

THE
Connecticut Common School Journal
AND
ANNALS OF EDUCATION.

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CIRCULAR.

TO SCHOOL VISITORS:

GENTLEMEN: The Laws of Connecticut pertaining to public schools, embracing all the provisions upon our statute book, relating to schools and the education of children, as compiled and prepared for publication in pamphlet form in accordance with a resolution of the Legislature passed at its last session, I herewith transmit to you through the medium of this Journal.

In this my first official communication, I beg leave respectfully to make some suggestions respecting the provisions of the law.

That our system of public instruction is perfect in all its parts and incapable of further improvement, no one probably would venture to affirm. The tree is known by its fruits. The best test of a system is the actual results which its operation produces. The multitudes of inferior schools still existing among us are so many proofs to warrant the presumption that there are defects somewhere. But whatever imperfections may be justly chargeable upon our system, it must be obvious to any one who considers the subject with any degree of attention, that under a vigorous administration, it might be made to produce vastly higher results than have yet been reached. If the mass of the people were thoroughly determined to have as good schools as the provisions of the law would permit, they would find but few legal obstacles in the way which they could not surmount.

One of the prime causes of poor schools, is the scantiness of the means provided for their support. Beyond the proceeds of the public and local funds, the law as it has stood from the year 1821 down

to the act of last session, imposing a one per cent. tax, has not made it obligatory upon the people to contribute anything for the support of schools. But if a majority of the inhabitants of a society or district have a disposition to provide more liberally for the support of schools, there is nothing to hinder them from doing so. They are permitted to tax themselves without limit.

Many of our schools languish in feebleness and inefficiency, in consequence of the division and subdivision of school societies into districts, many of which are so small as to make the support of a good school extremely difficult, if not quite impossible. But the law which permitted the division, does not prohibit the reunion of districts, and it is hoped that you will endeavor to diffuse information among the people respecting the advantages of consolidating districts wherever it is practicable.

The rate-bill levied on parents in proportion to the attendance of their children, operates in many cases very unfavorably on the interests of our schools. But no district is compelled to resort to this mode of raising the means of continuing their school after the public money is expended. A property tax may be substituted by the vote of a majority of the legal voters, which has already been done in several districts where some of the best schools are now in operation.

The superior advantages of graded schools over those in which children of all ages and degrees of proficiency are placed under the care and instruction of the same teachers, are conceded by every intelligent educator. The law does not enjoin the adoption of the gradation of schools, but it places no obstacles in the way of it. According to the settled interpretation of the law, districts and school societies may establish and maintain different grades of schools.

One of the greatest obstacles now encountered by the faithful and competent teacher in his attempts to impart thorough instruction in our schools, is the want of uniformity of text-books. From the nature of an ungraded district school, embracing as it must, a great diversity of age and attainments, the number of classes must be numerous, with the best provision for uniformity of text-books. But when each pupil has a book different from all the others, this evil is exceedingly aggravated, until the teacher's time in attempting to teach the whole school is broken into fragments, and the best efforts of the best teachers are nearly wasted. The only remedy of this evil now provided by law is in your hands. The statute clothes you with ample power to exorcise this evil spirit from our schools. Though the most defective school-books now in use were selected in some in-

stances, it would be far better for the school than a want of uniformity, even though all might be of the best quality. It would be an immense step of improvement, if in every school society the Board of Visitors should prescribe a list of books to be used, cause the list to be printed and posted up in every school-house, and require all teachers to abide by it.

The want of regularity and punctuality of attendance is another evil of alarming magnitude in our schools, which falls within your sphere to correct. Every child who is tardy or irregular in attendance, robs the other members of the school of their rights. Besides, if it is "the undoubted right and bounden duty of the state to provide for the instruction of all the children in the State," it is the duty of all parents to avail themselves of this or other means for the instruction of the children, and it is the right of those who do faithfully send their children, to enjoy these means without let or hindrance from the negligent or careless. It becomes a serious question, therefore, whether it is not the duty of School Visitors, by virtue of the authority which they possess, "to prescribe rules and regulations for the management and discipline of the schools," to endeavor to reach this evil. I am informed that in some places delinquents in this respect, are temporarily expelled or excluded from school, and that the practice has proved highly salutary.

The incompetency of teachers is a subject of much complaint. To some extent, the remedy of this evil is placed in your hands. The law stations you at the door of every school-house in the state and imposes upon you the duty of excluding the incompetent teacher, and gives you full power to remove such as prove themselves unqualified, or refuse to execute the rules. And while you faithfully and conscientiously exercise the power in your hands for the exclusion of unqualified persons from the office of teaching, it is to be hoped also, that you will lend the weight of your personal influence, as well as your official authority, to increase the efficiency of the means provided by law for the improvement of the qualifications of teachers of our public schools. This may be done by encouraging suitable candidates to go through the course of professional training provided in the Normal School; and by adopting such measures as will secure the most general, punctual and regular attendance of the teachers in your respective societies at the Teachers' Institutes which are held annually in each county, and at the meetings of the State Teachers' Association.

Your attention is respectfully solicited to the consideration of the objects and provisions of the new School Law.

Among the objects proposed to be accomplished by this act, are, to simplify the machinery of the system, by committing to the hands of one board of officers what is now divided between three; to equalize the advantages of the schools, by abolishing the present district lines, and placing all the schools under one committee, thereby also facilitating the gradation of schools and proper classification of scholars in villages, and the establishment of schools of "a higher order" in towns containing a sparse population; and to substitute for the anomalous element of school societies, a simpler and more efficient organization. Is the law calculated to accomplish these objects? If in your judgment, it seems as well calculated to accomplish these objects as is desirable, it is hoped you will encourage and promote its adoption as speedily as possible; if on the other hand, you deem some modification of it desirable in order to meet the wants of our schools, you are especially requested to suggest such alterations as you deem necessary.

The act of last session making it the duty of towns to raise a one per cent. tax for the support of schools, partially restores the most important and vital element of our school system, which was unwisely abolished thirty-four years ago. The voluntary system has been tried for the period of a whole generation, and it has proved an utter failure. In the dear school of experience, the important lesson has been learned that our schools will be suffered to languish for want of adequate support, unless provided for by legal enactment. That lesson produced this act. It is the precious fruit of dear-bought wisdom, Let it be prized accordingly. Let the fundamental principle which it recognizes, the principle upon which the New England system of common schools was originally based, that the property of the state should be held subject to taxation for the education of all the children of the state, be adhered to and acted upon, and we may hope to regain our former proud position in the front rank of educating and educated states. Small as the sum is which this tax yields, being about sixty-five cents per scholar, it will immediately give a new impulse to every school in the state, and open a way for the attainment of great improvements in the future. Your firm and unwavering maintenance of the principle upon which this beneficent act is founded, can not fail to promote a cheerful and prompt fulfillment of the duty which it imposes.

JOHN D. PHILBRICK,

Superintendent of Common Schools.

NEW BRITAIN, Feb. 1, 1855.

SCHOOL LAWS,

IN FORCE, 1854.

STATE CONSTITUTION.

ARTICLE VIII.

OF EDUCATION.

SEC. 2. The fund called the SCHOOL FUND, shall remain a perpetual fund, the interest of which shall be inviolably appropriated to the support and encouragement of the public or common schools throughout the State, and for the equal benefit of all the people thereof. The value and amount of said fund shall, as soon as practicable, be ascertained, in such manner as the general assembly may prescribe, published and recorded in the comptroller's office, and no law shall ever be made authorizing said fund to be diverted to any other use than the encouragement and support of public or common schools, among the several school societies, as justice and equity shall require.

The school fund to be a perpetual fund, and the interest thereof to be appropriated to common schools.

***The figures in brackets at the bottom of the pages give the paging of the pamphlet edition of the School Laws, and are also those referred to in the Index.

STATUTE LAWS,
COMPILATION OF 1854.

TITLE VII.

AN ACT CONCERNING THE DOMESTIC RELATIONS.

CHAPTER IV.

OF THE EDUCATION AND GOVERNMENT OF CHILDREN.

Children to be
instructed.

SEC. 22. All parents, and those who have the care of children, shall bring them up in some honest and lawful calling or employment, and shall instruct them, or cause them to be instructed, in reading, writing, English grammar, geography, and the elements of arithmetic.

When select-
men may bind
them out to be
educated, &c.

SEC. 23. The selectmen, in their respective towns, shall inspect the conduct of the heads of families, and if they find any who neglect the education of the children under their care, they may admonish them to attend to their duty; and if they continue to be negligent, whereby the children grow rude, stubborn and unruly, they shall, with the advice of a justice of the peace, take such children from their parents, or those who have the charge of them, and bind them out to some proper master—males till twenty-one and females till eighteen years of age—that they may be properly educated and brought up in some lawful calling or employment.

Stubborn chil-
dren may be
corrected, &c.

SEC. 24. Whenever any children or minors shall be stubborn and rebellious, and shall refuse to obey the commands, and resist the authority of their parents or of those who have the charge of them, then the parents or those who have the charge of them or

* * * "Title," "chapter," "sec.," refer to the same in the Statutes, compiled edition of 1854.

any informing officer, may make complaint to two justices of the peace in the town where the parties live, and such justices may issue a warrant, and cause such children to be apprehended and brought before them, and if, on due inquiry, they shall find them to be guilty, they may sentence them to be committed to the house of correction in the town where they live, or if there be none in that town, to the common jail in the county, to remain confined at hard labor so long as said justices of the peace shall judge proper—not exceeding thirty days; provided, that said justices, on the reformation of such children, may at any time after the commitment, order their release and return to their parents, or to those who have the charge of them.¹

SEC. 25. No child under the age of fifteen years, shall be employed to labor in any manufacturing establishment, or in any other business in this state, unless such child shall have attended some public or private day school, where instruction is given by a teacher qualified to instruct in orthography, reading, writing, English grammar, geography and arithmetic, at least three months of the twelve next preceding any and every year in which such child shall be so employed; and the owner, agent or superintendent of any manufacturing establishment, who shall employ any child in such establishment, contrary to the provisions of this section, shall forfeit and pay for each offense, a penalty of twenty-five dollars to the treasurer of the state.

SEC. 26. A certificate signed and sworn to by the instructor of the school where any child may have attended, that such child has received the instruction aforesaid, shall be deemed sufficient evidence of that fact; and it shall be the duty of the school visitors of the several school societies, personally, or by a committee by them appointed annually, and as often as they shall think proper, to examine into the situation of the children employed in the several manufacturing establishments in their respective societies, and to ascertain whether the foregoing requirements are duly observed, and to report all violations thereof

1842.
Children under the age of fifteen years not to be employed in labor unless instructed at school, &c.

Certificate of instructor to be received in evidence.

Duty of school visitors.

¹ See also the act of 1851, establishing a state reform school.

to some informing officer, to the intent that prosecutions may be instituted therefor; and it shall be the duty of all informing officers to prosecute for all such violations.

Children under fourteen years not to be employed more than ten hours a day.

Sec. 27. No proprietor of any cotton or woolen manufacturing establishment in this state, or person carrying on the business of manufacturing in any such establishment, as lessee, or in any other manner, or person having charge of the affairs of any such establishment or business, shall employ or suffer to be employed, or aid or assist in employing in such establishment any child under fourteen years of age, a greater length of time than ten hours in any one day. Every person who shall violate any of the provisions of this section, shall forfeit and pay for each offense a penalty of seven dollars.

TITLE X.

AN ACT CONCERNING EDUCATION.

CHAPTER I.

TREATS ONLY OF COLLEGES.

An Act for the Establishment of a State Normal School. 1849.

A normal school established.

Its object.

§ 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* There shall be established, as herein after provided, one normal school, or seminary, for the training of teachers in the art of instructing and governing the common schools of this state; the object of which normal school or seminary shall be, not to educate

teachers in the studies now required by law, but to receive such as are found competent in these studies, in the manner herein after provided, and train them in the best methods of teaching and conducting common schools.

§ 2. There shall be appointed by the legislature Trustees. eight trustees of said normal school, one from each county in the state; two of whom shall in the first instance hold their office for one year, two for two years, two for three years, and two for four years, the term of office to be by them determined, by lot or otherwise; the vacancies to be filled by appointment by the legislature, for the residue of the term which shall so become vacant; and the superintendent of common schools, *ex officio*, shall also be a member of said board. ^{Vacancies, how filled.}

§ 3. The expenses necessarily incurred by said trustees, in the discharge of their duties, shall be defrayed out of the funds herein appropriated for the support of said school, and they shall receive no compensation for their services. ^{Expenses, how defrayed.}

§ 4. To said board of trustees shall be committed the location of said school; the application of the funds for the support thereof; the appointment of teachers and power of removing the same; the power to prescribe the studies and exercises of the school, rules for its management, and granting diplomas; and they shall report annually to the legislature their own doings and the progress and condition of the school; and the said trustees are hereby authorized to change the location of said normal school from time to time as they deem best for the interest of said school, and for the accommodation of the pupils in the different parts of the state, provided suitable buildings and fixtures are furnished without expense to the state. ^{Duties of the board of trustees.}

§ 5. The number of pupils shall not exceed two hundred and twenty, and the visitors of each school society in the state shall be requested to forward to the superintendent of common schools, annually, the names of four persons, two of each sex, applicants for admission to said school, whom the said visitors shall certify they have examined and approved as possessed of the qualifications required of teachers of common schools in this state; which ^{Number of pupils and mode of selection.}

Proviso.

Trustees may fill vacancies.

Trustees may establish a model primary school.

Provision for the support of the normal school.

applicants shall have given to said visitors a written declaration, signed with their own hands, that their object in seeking admission to the school is to qualify themselves for the employment of common school teachers, and that it is their intention to engage in that employment in this state, which applicants the said visitors shall recommend to the trustees as suitable persons by their age, character, talents and attainments, to be received as pupils in the normal school. The trustees shall select by lot, from the whole number of applicants from each county, the proportion of pupils to which such county is entitled by its population, of male and female, each an equal number; *provided*, that not more than one shall be admitted from any school society, till each society, from which an application is made, shall have a pupil in the school. The trustees shall forward to each pupil, so appointed, a certificate of his appointment, returning also to the principal a list of pupils appointed to the school. If there shall not be a sufficient number of applicants from any county to fill the number of appointments allowed to such county, the trustees shall fill the vacancy by lot from among the whole number of remaining applicants. To all pupils so admitted to the school, the tuition and all the privileges of the school shall be gratuitous.

§ 6. The said trustees are authorized to make provisions for a *model primary school*, under a permanent teacher approved by them, in which the pupils of the normal school shall have opportunity to practice the modes of instruction and discipline inculcated in the normal school.

§ 7. For the support of said normal school there is hereby appropriated the bonus derived from the "State Bank," and the interest which may accrue thereon; from which the sum of twenty-five hundred dollars, annually, for the term of four years, shall be paid to said trustees, with said interest, by order of the comptroller, on the treasurer of the state; no part of which sum shall be expended in any building or fixtures for said school.

CHAPTER II.

OF COMMON SCHOOLS AND SCHOOL SOCIETIES.¹

SEC. 10. The commissioner of the school fund shall, *ex officio*, be superintendent of common schools, and it shall be his duty in that capacity to exercise a general supervision over the common schools of the state, to collect information from school visitors, in the manner provided in the twenty-fifth section of this act, and from other sources, to prepare and submit an annual report to the general assembly, containing a statement of the condition of the common schools of the state, plans and suggestions for the improvement and better organization of the common school system, and all such matters relating to his office, and to the interests of education, as he shall deem expedient to communicate.²

1845.
Commissioner
of school fund,
superintendent
of common
schools.

§ 1. The principal of the state normal school shall be, *ex officio*, superintendent of common schools, whose duty it shall be to exercise a general supervision over the common schools of the state, to collect information from school visitors, in the manner provided in the twenty-fifth section of the Act concerning Education, and from other sources, to prepare and submit an annual report to the general assembly, containing a statement of the condition of the common schools of the state, plans and suggestions for the improvement and better organization of the common school system, and all such matters relating to his office, and to the interests of education, as he shall deem expedient to communicate.

1849.
Principal of
state normal
school to be
superintendent
of common
schools.

Annual report.

§ 2. That the superintendent appointed by virtue hereof be and he is hereby authorized and directed to hold at one convenient place in each county of the state, in the months of September, October or November annually, schools or conventions of teachers, for the purpose of instructing in the best modes of governing and teaching our common schools, and to employ one suitable person to assist him at each of said schools.

To hold schools
or conventions
of teachers.

¹ The law concerning common schools was revised in the year 1841 and materially altered in 1842. The provisions of the present act are essentially the same as the provisions of those acts. The changes since are indicated by the years in the margin.

² Repealed by the act of 1849 following, § 5, p. 12.

Compensation. § 3. That the compensation of the superintendent shall be three dollars per day, in full for his services while actually employed in performing the duties required of him by law, and shall be allowed his necessary disbursements for traveling expenses, stationery, printing and clerk hire, in the business of said office. And the persons or persons by him employed in assisting at said school, shall be allowed not exceeding three dollars per day for the time occupied in traveling to and from and attending said school conventions; which compensation and disbursements shall be paid from the civil list funds of the state, after being taxed and allowed by the comptroller, who shall draw an order on the state treasurer therefor.

Compensation
of assistance.

To give notice
of time and
place of said
teachers'
schools or
conventions.

Repeal of act
constituting
school fund
commissioner,
superintendent
of common
schools.

School socie-
ties, how con-
stituted and
their powers.

§ 4. That the superintendent of common schools be, and he is hereby directed to give seasonable notice to each school society of the times and places of holding said schools or conventions, and such other notice to the teachers as he may deem expedient.

§ 5. That so much of the tenth section of the Act concerning Education as constitutes the commissioner of the school funds, *ex officio*, superintendent of common schools, and the resolve, passed in 1848, providing for employing persons to hold schools of teachers, and for holding the same, be, and the same are hereby repealed. *Provided* that the commissioner of the school fund shall, *ex officio*, remain superintendent of common schools, exercising all the powers heretofore conferred on him, until the principal of the state normal school shall be appointed, and enter on the duties of said appointment.

SEC. 11. Every school society, established as such by the general assembly, and the inhabitants living within the limits of any ecclesiastical society, incorporated with local limits, or such proportions of the same as have not been specially incorporated, shall constitute a school society, and as such shall be a body corporate, and respectively have power to establish and maintain common schools of different grades; to purchase, receive, hold, and convey, any

1 See act of 1849, for the establishment of a state normal school, under title x., chapter i.

real or personal property, for school society purposes; to build and repair school-houses; to lay taxes; to sue and be sued; and to make all lawful agreements and regulations for the useful education of all the children of the society.¹

SEC. 12. Every school society shall hold an annual meeting on such days in the month of September, or October, in each year, as the committee, or clerk, in their notice therefor may designate, for the choice of officers, and the transaction of any business relating to such society, and shall also hold a special meeting whenever the same shall be duly called; and the school committee of the society, or, if there be no committee, the clerk, may call a special meeting whenever they shall think necessary or proper, and they shall call a special meeting, on the written request of any ten residents therein, qualified to vote, which request shall state the object of calling the same.

Annual and special meetings when held, and how called.

SEC. 13. All society meetings shall be held at the usual place of holding the same, unless some other place shall have been designated at a regular meeting of the society; and notice of the time and place of every annual meeting, and of the time, place and object of every special meeting, shall be given at least five days, inclusive, previous to holding the same.²

Place of holding and time of warning.

Every warning of any meeting of any borough, city, ecclesiastical society, school society, school district, or other public community, shall specify the objects for which such meeting is to be held.

1849.
Warnings of school meeting to specify the objects for which called.

All school societies and school districts may hold their respective meetings in such public halls, school-houses or other public places, (within the limits of such societies and districts respectively,) as may be designated for the purpose in the warnings of such meetings respectively.

1854.
Where school meetings may be held.

SEC. 14. The school society committee, or, if there be no such committee, the clerk, shall give notice of any society meeting, either by publishing the same in a newspaper printed in the society, or by putting the

Notice of meeting, how, when and where given.

¹ On the division of society, the funds may be divided. *Willimantic School Society v. First School Society in Windham*, 14 C. R., 457.

² What is a sufficient warning. *Bartlett v. Kinsley et al.*, 15 C. R., 327.

notice on a sign-post therein, or in some other mode previously designated by the society; but if there be no such newspaper, nor sign-post, nor other mode designated, such school committee, or clerk, may give the notice in such mode as they may deem proper, and the person or persons calling, or notifying, any such meeting, shall furnish the clerk of the society with a copy of such notice, on or before the day of holding the same.

Clerk to have a copy of notice.

1851.
Copy of warning for school society or district meeting, to be left with the clerk.

§ 1. That no future meeting of any school society or school district shall be deemed to be legally warned, unless, in addition to the notice now required to be given of the time, place and object of such meeting, the person or persons giving such notice shall, on the day of giving such notice, leave a duplicate of the same with the clerk of such society or district, which it shall be the duty of such clerk to preserve on file.

School society may fix the time for annual meetings.

Proviso.

1852.
Confirming meetings of school societies and school districts in certain cases.

§ 2. That every school society, at any legal meeting, specially warned for that purpose, may designate the time and place of holding all subsequent annual meetings of said society, within said society's limits; *provided*, that such annual meetings be appointed at some time within the month of September, or October, in each year.

That all meetings of school societies or school districts, which were informal by reason of the neglect of the school society's committee, or district committee, to leave a duplicate of the warning with the clerk of such society or district, or when the proceedings of the meetings of such school societies or districts have been in any other respect informal or unlawful, shall, notwithstanding such neglect, informality, or unlawful proceedings, be, and they are hereby validated and confirmed: *provided*, that the meetings were in other respects conformable to law, and *provided further*, that this act shall not affect any suit now pending.

1853.
June 15th.
Confirming school society and district meetings.

§ 1. All meetings of school societies or school districts, which have been held in any of the school societies or school districts of this state, since the fourth day of July, A. D. 1851, which were informal and illegal, by reason of the neglect of the school society or school district committee, to leave a duplicate of the warnings, that have been posted in any such school society or school district, calling any such

school society or school district meeting, with the clerk of such school society or school district, shall, notwithstanding such neglect and omission, be, and they are hereby declared to be valid and legal meetings, and all votes, which have been passed at any such meeting, that were in other respects conformable to law, be, and they are hereby declared to be legal and valid.

§ 2. This act shall not affect any suit now pending in any of the courts of this state, and shall take effect from the day of its passage.¹ When to take effect.

SEC. 15. Every person residing in the society, qualified to vote in town meeting, may vote in school society meeting; and every meeting may choose its own moderator, and may adjourn from time to time, to meet at the same, or any other place.² Who may vote, moderator, &c.

That every person who shall vote, act or intermeddle in any school society, or school district meeting, not being qualified to vote therein, shall be punished by a fine not exceeding seven dollars. 1849. Penalty for illegal voting in society meeting.

That if any person or persons shall vote illegally in any school society, or school district meeting, such person or persons shall forfeit and pay, the sum of seventeen dollars to the treasurer of the county where the offense is committed; and it shall be the duty of attorneys for the state in the several counties and grand jurors in the several towns to make presentment of every such offense. 1853. Penalty for illegally voting in school society or district meetings, and who shall prosecute for the same.

SEC. 16. Every school society, at the annual meeting, shall choose a clerk, a school committee of one or three persons, a board of school visitors not exceeding nine persons, a treasurer, and a collector, who shall hold their respective offices until the next annual meeting, and until others are chosen or appointed. Officers, and their tenure of office.

SEC. 17. Whenever any vacancy shall occur in any office in the society, by death, removal or otherwise, the school committee for the time being may fill the same, in their own number, or otherwise, and make return to the clerk of the society; and any person, legally chosen, or appointed, who shall refuse or neglect, to discharge any duty imposed by this or any Vacancies, how filled.

¹ See confirming act of 1854 as to taxes laid by a district, formed from two or more districts, under title iv., sect. 47.

² See under title iii., chapter ii.

Forfeit for neglect.

other act in relation to schools, or the education of children, shall forfeit the sum of five dollars, to be collected by the treasurer of the society, for the use of schools.

Clerk to be sworn, and his duty.

SEC. 18. The clerk shall be sworn to a faithful discharge of the duties of his office, by the moderator of the meeting, or by a justice of the peace; shall keep a record of the notices and the proceedings of the society, copies of which duly attested, shall be legal evidence in all courts; shall preserve on file all reports made to the society, and perform all other duties appropriate to his office.¹

1854.
June 30th.
Clerk neglecting to take the oath, not to invalidate doings.

§ 1. That in all cases when the clerk of any school society or the clerk of any school district in this state has omitted or neglected to take the oath prescribed by law before entering upon his duties as such clerk, and when the record in all other respects is valid and correct, such record and all the proceedings of such society or district, shall not for any such cause be adjudged void, but such record and the proceedings of such society or district, shall be adjudged valid and legal, as if such clerk had been previously sworn according to law. *Provided*, that no suit or action now pending, shall in any manner be affected by the provisions of this act.

When to take effect.

§ 2. This act shall take effect from and after the day of its passage.

1854.
Meetings heretofore held not to be deemed illegal for neglect of certain requirements.

That no meeting of a school society or school district heretofore held shall be deemed illegal by reason of the neglect of their respective committees to leave a warning thereof with their respective clerks, or to give the requisite warning of the same as is now by law required, or of said clerk's omission to record the proceedings of said meeting held in pursuance of said warning, but that said warning, meeting and proceedings, if otherwise conformable to law, be and they are hereby declared legal; *provided*, that this act shall not affect any suit now pending.

Powers and duties of school society committees.

SEC. 19. The school committee shall have the care and management of any property or funds belonging to the society, and shall lodge all bonds,

¹ Taking of the oath at any time before making record satisfies the statute. *Bartlett v. Kinsley*, 15 C. R., 327.

leases, notes and other securities, with the treasurer, except so far as the same have been or shall be intrusted to others, by the donor or grantor, or by the general assembly, or by the society; they shall pay to the treasurer all money which they may collect and receive for the use of schools; they shall settle and describe the boundary lines of any new school district, or of any existing district or parts of a district within their limits, where the lines are not now settled and described, when applied to by the district, and shall cause the same to be entered on the records of the society; they shall designate the time, place and object of holding the first meeting in any new district; they shall give due notice of all meetings of the society; they shall make return of the number of persons over four and under sixteen years of age in said society to the comptroller, and draw orders on the same for any portion of public money due to said society, as hereafter prescribed; and they shall draw all orders on the treasurer of the society, and perform all other lawful acts which may be required of them by the society, or which may be necessary to carry into full effect the powers of school societies.

SEC. 20. The treasurer, when required, shall give bond in such amount as shall be prescribed by the society, and with such sureties as shall be approved by the school society committee, for the faithful discharge of his duty; and shall receive and take care of all money, leases, bonds, notes and other securities, of the funds or property of the society, except those specially intrusted to others by the donor or grantor or by law, and deliver and pay over the same to the order of the committee, and render his account at the annual meeting.

Duties of treasurer.

SEC. 21. The collector shall collect and pay to the treasurer all taxes or rates laid by the society, and, by a warrant from a justice of the peace, shall have the same power to collect and levy such taxes in and beyond the limits of such society, as collectors of town taxes, and be liable in the same way for refusal or neglect.

Duties of collector.

SEC. 22. The board of visitors shall prescribe rules and regulations for the management, studies, books, classification and discipline of the schools in the society; shall themselves, or by a committee by

School visitors shall prescribe books, examine teachers, give certificates and visit schools.

them appointed for that purpose, examine all candidates for teachers in the common schools of such society, and shall give to those persons with whose moral character, literary attainments and ability to teach they are satisfied, a certificate, setting forth the branches he or she is found capable of teaching; provided, that no certificate shall be given to any person not found qualified to teach reading, writing, arithmetic and grammar, thoroughly, and the rudiments of geography and history; shall visit all the common schools of said society, twice at least during each season for schooling, once within four weeks after the opening, and again within four weeks preceding the close of the school, at which visits they shall examine the register of the teacher, and other matters touching the school-house, library, studies, discipline, mode of teaching and improvement of the school.¹

Visitors shall
annul certi-
cate, submit
annual report,
and appoint
sub-committee.

SEC. 23. The board of visitors shall annul, by a major vote of the board, the certificates of such teachers as shall be found unqualified or who will not conform to the law and the regulations adopted by the visitors; and shall submit to the society, at their annual meeting, a written account of their own doings and of the condition of the several schools within their limits, for the year preceding; and said board may appoint a committee of one or two persons, to exercise all the powers and perform all the duties of said visitors, subject to their rules and regulations.

1845.
Acting school
visitors, how
appointed.

SEC. 24. The visitors of each school society may, immediately after their appointment, meet and choose one or more of their number to be the acting school visitor or visitors of the society, for the year ensuing.

Their duty.

SEC. 25. It shall be the duty of the acting school visitor or visitors of every school society, to visit every common school in said society, in company with one or more of the visitors, or of the district committee, if such attendance can be obtained; and such visits shall be made twice at least during each season of schooling, in conformity with the provisions of this act. It shall be his or their duty, unless

¹ See Statutes, tit. vi., sec. 136, for penalty for introducing certain books or prints into any school.

otherwise directed by the visitors, to spend at least half a day in each school visit; it shall be his or their duty to make a full report of the condition of the common schools of said society and of all important facts concerning the same to the superintendent of common schools, before the expiration of the year for which he is appointed, and to answer, in writing, all inquiries that may be propounded to him or them, on the subject of common schools, by said superintendent. He or they shall also prepare an abstract of such report to be read at the annual meeting of said society, or, if the visitor direct, at the annual meeting of the town in which said society is situated.

To make report to superintendent.
Abstract of report to be read at annual meeting.

SEC. 26. The acting school visitor or visitors of any school society shall receive for the time actually spent in the performance of the duties prescribed in this act, the sum of one dollar each, per day, to be paid out of the treasury of the town in which the school-houses of the schools visited by him or them are situated; such payment to be made from the income of that part of the town deposit fund, not appropriated by the legislature for the support of schools, or in such manner as the town shall direct; provided, that he or they shall have made his or their annual report in the manner prescribed in the preceding sections; and provided further, that his or their account shall be approved by the visitors of the society.

Compensation.
How paid.
Proviso.

SEC. 27. Whenever a common school of a higher grade, for the older and more advanced children of either sex, shall be established and maintained by any society, such school shall be subject to the management of the board of visitors, unless otherwise directed by the society, and shall receive such proportion of all money provided for the support of common schools in such society, as the number of scholars attending such high school, shall be to the whole number attending all the other common schools of the society.

Schools of a higher grade.

SEC. 28. Every school society may establish and maintain a library for the use of the children thereof, under such rules and regulations as said society may adopt; and such library may be kept together at some convenient place, or be distributed into several parts, for the convenience of the several districts.

School society libraries.

Boundary lines
of school socie-
ties, how estab-
lished.

SEC. 29. Whenever the boundary line between any two school societies is not clearly settled and defined, it shall be the duty of the school committees of such societies, to settle and define the same; and in case they can not agree, said committees shall appoint some disinterested person or persons, to settle and define said line, whose decision shall be final, and the boundary line thus settled and defined, shall be entered on the records of the two societies.

CHAPTER III.

OF SCHOOL DISTRICTS.

1841. 1848.
School dis-
tricts, how for-
med; from two
or more socie-
ties, &c.

SEC. 30. Each school society shall have power to form, alter, or dissolve, school districts within its limits; and any two or more societies may form a district of adjoining portions of their several societies, and may alter and dissolve the same; and every school district thus formed, shall for all school purposes, belong to the society in which the school-house shall be situated, and the inhabitants of such district shall have the same rights and privileges in such society, in all matters pertaining to schools, as are enjoyed by those of other school districts; provided, that no existing district, by the formation of a new one, shall be reduced, so as to contain less than forty persons between the ages of four and sixteen years, and that no alteration shall be made in the limits of any district incorporated by special act of the general assembly, unless such alteration shall be asked for, or confirmed by, a meeting of said district, warned for that purpose.

1854.
School dis-
tricts lying in
two towns to
belong to the
town where
house is situa-
ted.

§ 1. Every school district in this state which lies partly in one town and partly in another, shall belong for all school purposes to the school society of the town in which the school-house of said district is situated.

§ 2. So much of the thirtieth section of an act concerning education as is inconsistent with this act, is hereby repealed.

SEC. 31. The property of a district formed from two or more societies, may be taxed in the society in which the school-house is situated, for all school purposes, the same as the property of other districts; but for all other purposes, the parts of such district shall belong to, and be taxed in, the societies to which such parts belonged before such district was formed.

Property in,
how taxed.

SEC. 32. When any two or more districts shall be consolidated into one, the new district shall own all the corporate property of the several districts; and when a district shall be divided, the funds and property, or the income and proceeds thereof, belonging to such district, shall be distributed among the several parts, in proportion to the number of persons between the ages of four and sixteen in each; and in case the distribution shall not be made before the district is divided, and the several parts can not agree, the committee of the school society shall distribute the same.

Property of
consolidated
and divided
districts.

SEC. 33. Whenever on any such division of any school district, the only or principal property of said district shall consist of a school-house and real estate therewith connected, which can not be divided between the several parts of such district, without great inconvenience, the committee of the school society, instead of dividing such school-house, and real estate, shall set such school-house and real estate to one part, and award that the other part or parts shall receive from the part to which such school-house and real estate is set, such sum of money as shall, in the judgment of such committee, be just and right; and such award shall be binding upon the several parts of such district.

When property
can not be divi-
ded, how dis-
posed of.

SEC. 34. All associations, under the statute of 1841, allowing any two or more adjoining school districts to associate together, and form a union district, entered into before the repeal of said statute, shall continue to be managed and regulated according to the provisions of the statute of 1841, any law or usage to the contrary notwithstanding.¹

Union districts,
how regulated.

SEC. 35. Every school district shall hold an annual

¹ The act of 1842, repealing the statute authorizing union districts, reserved to such districts all rights they had acquired under said act.

Annual and
special meet-
ings how and
when holden.

meeting, on such day in the month of September, or October, in each year, as the committee, or clerk, of the district, in the notice thereof may designate, for the choice of officers, and for the transaction of any other business relating to schools in said district, and shall also hold a special meeting whenever the same shall be duly called; and the district committee may call a special meeting, whenever such committee shall think necessary or proper, and shall call a special meeting on the written request of five residents therein qualified to vote, which request shall state the object of calling the same.¹

Where to be
held.

SEC. 36. District meetings shall be held at the district school-house; if there be no school-house, the committee shall determine the place of meeting; if there be no committee, the clerk shall determine the same; if there be no committee, and no clerk, the committee of the society to which such district belongs, shall determine the place of meeting, which shall, in all cases, be within the limits of the district.¹

Notice of meet-
ings, how giv-
en.

SEC. 37. Notice of the time and place of every annual meeting, and of the time, place, and object of every special meeting of the district, shall be given at least five days inclusive, previous to holding the same. The district committee, or if there be no such committee, the clerk, or if there be no committee and no clerk, then the committee of the society, shall give notice of a district meeting, either by publishing the same in a newspaper printed in the district, or by putting the notice on the district school-house, or on the sign-post within the district, or in some other mode previously designated by the district; but if there be no such newspaper, school-house, nor sign-post, nor other mode so designated, then the committee of the school society to which such district belongs, shall determine how and where the notice shall be given.^{2 3}

¹ See under sect. 13, 14, and title iii., sect. 163.

² The object for which a meeting is called, should be so expressed in the warning, that the inhabitants may fairly understand for what they are convened. *South School District v. Blakesley*, 13 C. R., 237. The meeting should be opened within a reasonable time after the hour named in the notice; and what is such reasonable time, depends upon the circumstances of each particular case. Where it appears, from the record of a school district, that the meeting was held on the day appointed, the presumption of law is, that it was held at a suitable time. *Id.*

³ See under sect. 14.

SEC. 38. Every person residing in the district, qualified to vote in town meeting, may vote in district meetings; and every meeting may choose its own moderator, and may adjourn from time to time, to meet at the same or some other place.¹

SEC. 39. The name, or number and limits of every school district, shall be entered on the records of such district, and on the records of the school society to which such district belongs.

SEC. 40. Whenever the boundary lines of any district are not clearly settled and defined, the school committee of the society in which the district is situated, shall settle and define the same; and whenever said committee can not agree in settling and defining such boundary lines, the school society to which such district belongs, may appoint three indifferent persons for that purpose, who shall have the same authority therein, as is herein conferred upon said society's committee; and said boundary lines may, in either case, when necessary, be defined by an actual survey; and when parts of such district lie in two or more societies, the committee of the school society in which any such part is situated, or in case of disagreement, indifferent persons, appointed as aforesaid, shall settle and define the boundary lines of such part.

SEC. 41. Every school district shall be a body corporate, and shall have power to sue and be sued; to purchase, receive, hold, and convey, real or personal property for school purposes; to build, purchase, hire, and repair school-houses, and to supply the same with fuel, furniture, and other appendages and accommodations; to purchase maps, globes, blackboards, and other school apparatus; to establish and maintain a school library; to employ one or more teachers, and shall be holden to pay the wages of any such teacher or teachers, as are employed by the committee of such district in conformity to law; to lay taxes, and to make all lawful agreements and regulations for establishing and conducting schools, not inconsistent with the regulations of the school society to which such district belongs.^{2 3}

¹ See under sect. 15. Penalty for illegal voting.

^{2 3} A school district may be sued, and the property of its inhabitants may be taken, to satisfy a judgment against the district. *McLoud v. Selby*, 10 C. R., 390.

Officers of
school districts,
and penalty
for not serving.

SEC. 42. Each school district shall choose, at the annual meeting, a committee of not more than three residents of the district, a clerk, who shall be sworn, a treasurer, and collector, who shall hold their respective offices until the next annual meeting; and until others are chosen, or appointed; and any person so chosen, who shall refuse, or neglect, to perform the duties of the office, shall pay five dollars to the treasurer of the district, for the use of said district; provided, that any new district may choose their officers at their first, or at any subsequent meeting, called by a committee of the society, who shall hold their offices till the annual meeting of such school district.^{1 2}

Vacancies, how
filled.

SEC. 43. In case any district, at the time for the annual meeting, shall fail or neglect to appoint all or any of the officers required by this act, or any vacancy shall occur by death, removal from the district, or otherwise, it shall be the duty of the committee of the school society, to which such district belongs, to make such appointment, and to fill such vacancy, on receiving written notice thereof from any three members of the district, and to lodge the name or names of such officers so appointed with the district clerk.

Duties of dis-
trict commit-
tees.

SEC. 44. The district committee shall give notice of all meetings of the district, in the manner prescribed; shall, unless otherwise directed by the district, employ one or more qualified teachers; shall provide suitable school-rooms, and furnish the same with fuel properly prepared; shall visit the schools, by one or

A district school-house not an out-house within the thirtieth section of the act of 1830, concerning crimes and punishments.

3 A deed in the common form, but expressed to be "for the purpose of erecting a school-house or school-houses for school purposes, and for these purposes only," held to be a conveyance of the land and not of some possibility or peculiar interest in reversion. *Sherwood v. Waller*, 20 C. R., 263.

Where the defendants were a school district and the question was, as to the title to land under a deed to them from the plaintiff; it was held, that a vote of such district passed at a legal meeting at which the plaintiff was present, was admissible in connection with other testimony, for the purpose of showing the assent thereto given by him. *Waller v. The Eleventh School District in the Town of New Milford*, 22 C. R., 326.

1 The clerk need not be sworn during the meeting at which he is appointed, it being sufficient, if he is sworn before making the record. The record may be made after the meeting, from minutes taken at the meeting. *Bartlett v. Kinsley*, 15 C. R., 327.

2 See under sect. 18.

more of their number, twice at least during each season of schooling; may, when the scholars are not properly supplied with books, if he or they deem it necessary, provide the same at the expense of the district; shall suspend, during pleasure, or expel from school, during the current season, all pupils found guilty, on full hearing, of incorrigibly bad conduct; and shall give such information and assistance to the school committees and visitors of the society, as they may require, and perform all other lawful acts that may be required of them by the district, or which may be necessary to carry into full effect the powers and duties of school districts.¹

SEC. 45. The clerk, treasurer, and collector, of each school district, shall exercise the same powers, and perform the same duties in their respective districts, as the clerk, treasurer, and collector, of school societies do in their respective societies.²

Duties of clerk, treasurer and collector.

SEC. 46. The inhabitants of each district, in lawful meeting, shall have power to require that the treasurer and collector shall respectively give bonds to the district, for the faithful discharge of the duties of their respective offices, which bonds shall be approved by the district committee, before the treasurer, or collector, shall enter upon the duties of his office.

Treasurer and collector may be required to give bonds.

SEC. 47. The vote of two-thirds of any legal meeting shall be necessary, to fix the site of a new school-house, or to change the site of an old one; but if such vote of two-thirds can not be obtained in favor of any site, the committee of the school society, or the committees of the school societies in which such district is located, on application of the district, shall fix the site, and make return thereof to the clerk of the district, and to the clerk of the society in which such site shall be.

Site of new school-house, how fixed.

SEC. 48. Whenever a school district, from inability or other cause, shall not support a school within the same, and the scholars belonging thereto shall attend the school of any other district, it shall be lawful for the school society, where the enumeration of the children is made and returned, to receive from the comptroller of public accounts, and to pay to the district or districts where such children actually

Provision for scholars in districts where no school is kept, &c.

¹ See foot note under sect. 50.

² See title lv., sect. 52, 53, 54, 57, 58, 59.

attend school, the proportion of school moneys which are drawn on the children so enumerated; and a certificate from the committee of the school district where such children have attended school, that the money is so appropriated, shall be presented to the committee of the school society to which such children belong, and shall be sufficient evidence that such money has been appropriated according to law.

IN ADDITION AND ALTERATION, 1854.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Power to towns
and cities to
consolidate
school districts.

§ 1. Any town which does not embrace a city within its boundaries, any city, and the inhabitants of that portion of any town embracing a city within its boundaries, which lies without the limits of such city, shall have power, at a meeting warned and held for the purpose, to consolidate the several existing school districts and parts of districts within their respective limits, into one school district. And no district so formed shall belong to or be a part of any school society.

How meetings
to be warned
and held.

§ 2. The meetings of a town or city under the foregoing provision shall be warned and held in the same manner as is prescribed by law for warning and holding town or city meetings for other purposes; and the meetings of the inhabitants of a part of a town under the same provision, shall be warned by the selectmen of such town, by posting a notice thereof on two or more of the public sign-posts in or nearest to that part of the town where said inhabitants, or some of them reside, at least five days inclusive before such meeting is to be held, and shall be held at such convenient place in that portion of said town as the said selectmen may designate and determine.

Name of such
school districts.

§ 3. Every school district formed in pursuance of this act out of any town or city, shall bear the name of such town or city; and every school district formed from a part of a town only, shall bear such name as the inhabitants thereof in legal meeting assembled, shall designate, and every such district shall be a body corporate and politic, with power to sue and be sued; to purchase, take, hold and convey, real and personal

property for school purposes; to build, purchase, hire and repair school houses, and to supply the same with furniture, fuel, maps, globes, black-boards and other school apparatus, and with such appendages and accommodations as may be necessary; to establish and maintain common schools of different grades and a school library; to lay and collect taxes; and to do all other lawful acts and things which may be required for the useful education of all the children of such district.

§ 4. If any school district formed pursuant to this act shall not embrace the whole of any existing school society, that part of such society which is not within the limits of said district, shall constitute a new school society, or be annexed to and become part of some adjoining school society or societies, as the superintendent of common schools shall determine.

How school societies are to be formed anew when a part shall be embraced in a consolidated school district.

§ 5. All the common schools in each school district formed in pursuance of this act, shall be under the general superintendence and direction of three, six, or nine persons, who shall be styled "the board of education," and shall be elected by the district at an annual meeting for the term of three years. *Provided*, that of the number of persons who shall be elected members of said board at the first election, one-third shall go out of office at the end of one year, one-third at the end of two years, and one-third at the end of three years; so that one-third may be elected annually.

The schools of the school district to be under the superintendence of "the board of education."

§ 6. The board of education shall be the committee of the district for which they are elected, and shall have the general superintendence and charge of all the common schools which are or may be established and kept therein. They shall have the care and management of the property or funds belonging to their district, and shall lodge all bonds, leases, notes, and other contracts and securities, with the treasurer of the district, unless the same have been or shall be intrusted to others by the donor or grantor or by the general assembly. They shall pay to the treasurer of the district all moneys which they may collect or receive for the use of schools; shall annually on or before the first day of February make return to the comptroller from an actual enumeration

"The board of education" to be the committee of the district.

Their powers and duties.

made under oath by them or a committee by them appointed in the month of January of the same year, of the number of persons, between the ages of four and sixteen years, belonging to and residing in the district on the first Monday of said month of January, and shall draw orders on the comptroller for the portion of public money due at any time to the district, and on the district treasurer for the payment of all sums of money due from the district. They shall appoint annually, a committee to visit schools, and examine candidates for teachers, and may appoint such other committees as they may deem necessary, and define their duties; they shall visit or cause to be visited by a committee of their appointment, each school within their district, at least twice during each season of schooling; they shall give to those candidates for teachers with whose moral character, literary attainments and ability to teach they are satisfied, a certificate setting forth their qualifications for teaching, and shall annul the certificates of those teachers who shall be found unqualified, or who will not conform to the law and the regulations by them adopted; they shall determine the number and qualifications of the scholars to be admitted into each school—shall, unless otherwise directed by the district, employ the requisite number of qualified teachers—shall provide suitable school-rooms and furnish the same with fuel properly prepared—shall prescribe rules and regulations for the management, studies, books, classification, and discipline of the schools in their district—shall, at the expense of the district, furnish the requisite books to those scholars, who are not properly supplied, and whose parents, guardians, or masters are unable to supply them—shall suspend during pleasure, or expel during the current season, all scholars who, after a full hearing, shall be found by them to have been guilty of incorrigibly bad conduct—shall during the first two weeks of the month of April, annually, ascertain the expense of supporting and maintaining the schools under their superintendence during the year ending the thirty-first day of March previous, and report the same together with the amount of moneys received towards the payment thereof, to the district, at a meeting to be held on the third Monday of April in each year, and shall, at the

Committee to
visit schools.

To give to
teachers cer-
tificates of
qualification.

Determine
number of
scholars, &c.

May expel
those incorri-
gibly bad.

same time, make a full report of their doings, and the condition of the schools under their superintendence, and all important facts concerning the same, to the district, and as soon thereafter as may be to the superintendent of common schools. They shall also perform all other lawful acts that may be required of them by the district, or which may be necessary to carry into full effect the powers and duties of school districts formed according to the requirements of this act.

To make
report.

§ 7. The board of education shall receive such compensation from the district for their services, as the inhabitants of such district, at their annual meeting shall determine. And the committee or committees who shall examine candidates for school teachers, and visit the schools of the district, shall be paid the same compensation for their services, and in the same manner, as it [is] provided by the twenty-sixth section of the act to which this is an addition.

Compensation
of "the board
of education."

§ 8. Every school district formed according to this act, shall hold an annual meeting on the third Monday of April in each year, and special meetings whenever the board of education shall think necessary, or whenever requested in writing by five persons qualified to vote therein, *provided*, such request shall state particularly the object for which [such] meetings are desired. And every meeting may choose its own moderator, and may adjourn from time to time to meet at the same or some other place.

Annual meet-
ings on the
third Monday
of April.

§ 9. All annual and special meetings shall be warned by the board of education or the clerk of the district, in the manner provided by existing laws for warning meetings of other school districts, and shall be held at such place in the district as the inhabitants thereof in legal meeting shall order; but if the inhabitants of the district make no order on the subject, such meetings shall be held wherever the board of education shall think proper to call them. And all persons residing in the district and qualified to vote in meetings of the town or city, out of which the district was formed, may vote in the meetings of the district.

Annual and
special meet-
ings, how
warned.

§ 10. At each annual meeting, there shall be chosen a clerk, who shall be sworn, a treasurer, collector, and such member or members of the board of

Officers
chosen.

education as may be necessary to fill any and all vacancies existing therein.

Officers to hold
their offices
until annual
meeting.

§ 11. The clerk, treasurer and collector shall hold their respective offices until the annual meeting next following their appointment, and until others are chosen or appointed in their stead, and shall exercise the same powers, and perform the same duties, as the clerk, treasurer, and collector of other school districts are required by law to exercise and perform, together with such other powers and duties as are prescribed by this act.

Treasurer and
collector to
give bonds.

§ 12. The treasurer and collector, before entering upon the duties of their respective offices, shall respectively give bonds, to the district, with surety to the acceptance of the board of education, for the faithful performance of their respective duties.

When vacan-
cies occur, how
filled.

§ 13. If any vacancies shall occur in the office of clerk, treasurer or collector, by death, resignation, refusal to act, removal from the district or otherwise, the same shall be filled, by appointments made by the board of education, until the next annual meeting.

A new site,
how estab-
lished.

§ 14. A new site for a school-house in any district formed pursuant to this act, may be established by a vote of two-thirds of any legal meeting warned for the purpose, or by the board of education, if requested by the district, in case such vote of two-thirds can not be obtained.

Return made
to comptroller
to be sworn to
by the board.

§ 15. The return required by the sixth section of this act to be made to the comptroller of public accounts of the number of children between the ages of four and sixteen years in each school district, shall be subscribed and sworn to by a majority of the board of education making the same, and shall be in the following form, to wit:

Form of return
of enumera-
tion.

"We, the board of education of school district, do certify that from an actual enumeration made by us, (or by a committee by us appointed,) under oath on the day of January last, we find that on the first Monday of said month, there were residing within said district and belonging thereto, the number of persons between the ages of four and six-

teen years; and we verily believe that said number is correct."

A. B. }
C. D. } board of education.
E. F. }

"On this day of A. D. personally appeared A. B., C. D. and E. F., members of the board of education of school district, and made oath to the truth of the foregoing certificate by them subscribed before me.

G. H., justice of the peace."

§ 16. The comptroller of public accounts, on application of the board of education of any school district formed according to this act, shall draw an order on the treasurer for the amount which such district may be entitled to of all moneys appropriated by law for the benefit, support, and encouragement of common schools which may be in the treasury on the first day of March, annually; *provided*, that no order shall be drawn in favor of any such district, until the committee shall certify, in writing, under their hands, in the words following, to wit:

"We the committee of school district composed of the town (or city) of do certify, that the schools in said district have been kept for at least four months in the year ending the thirty-first day of March last, by teachers duly examined and approved, and have been visited according to law; and that all the moneys drawn from the public treasury by said district for said year, appropriated to schooling, have been faithfully applied and expended in paying for the services of said teachers, and for no other purpose whatever. Dated at the day of A. D.

Form of certificate.

School district committee.

§ 17. Whenever the moneys provided to defray the expense of supporting and maintaining the schools in any district formed pursuant to this act, for the year preceding, shall be insufficient for the purpose, the deficiency may be raised by an assessment upon the parents, guardians, and masters of the children who attended such schools, in the manner provided by the sixty-third, and sixty-fifth sections, of the act to which this [is] an addition, or by a tax upon the polls, and rateable estate of the district, or

When moneys are insufficient to pay the expense of schools, parents, &c., may be assessed.

partly by such assessment, and partly by such tax as the district shall direct.

Assessment list of school district to be perfected and taxes thereon, how laid.

§ 18. The assessment list of every school district formed pursuant to this act, shall be made and perfected, and all taxes which may be required for the lawful purposes of any such district, shall be laid and collected in the manner provided by the sixty-sixth, sixty-seventh and sixty-ninth sections of the act to which this is an addition. *Provided*, that such assessment list shall be perfected by the assessors and board of relief of the town in which such district is situated, instead of the assessors and school society committee.

School districts to be subject to certain provisions of statute.

§ 19. Every school district formed in pursuance of this act, shall be subject to the thirty-second, thirty-third, forty-ninth, fiftieth, sixty-first, sixty-second, and sixty-fifth sections of the act to which this is an addition, but shall not be subject to any other provision of said act, nor to the provisions of any act in addition thereto or alteration thereof, except so far as they are made so by some express provisions of this act.

IN ADDITION, 1854.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

How a district may take land for a new site.

§ 1. That any school district may take land which has been fixed upon by them as the site of a school-house for a common school, and which is necessary for that purpose, upon paying to the owner just compensation therefor.

If school district and the owner of land can not agree, how to proceed.

§ 2. If the school district, wishing to take land for the purpose aforesaid, can not agree with the owner upon the compensation to be paid him therefor, they may prefer their petition to the superior court, to be held in the county in which the land lies, praying that such compensation may be ascertained and determined by said court. The said petition shall be accompanied by a summons, signed by competent authority, notifying the owner of the land proposed to be taken to appear before the court to which the petition is returnable, and shall be served in the same manner as is provided by law for the service of bills or petitions in equity. And upon said petition said court shall appoint a committee of three judicious,

disinterested men, who, after being sworn, and after giving reasonable notice to the parties, shall examine the land proposed to be taken, and if they approve the site, shall ascertain its value, assess such sum in favor of the owner as will justly compensate him therefor, and in case of non-approval of said site by said committee, they shall have power to fix another site and proceed as aforesaid, and make report of their doings to the said superior court; and said court may reject the report of said committee, and set aside their doings for any irregular or improper conduct in the performance of their duties.

§ 3. If the report of said committee be rejected and their doings be set aside, the said court shall appoint another committee, who shall proceed in the same manner as the first committee are required to proceed by the foregoing section. But if said report shall be accepted by the court, such acceptance shall have the effect of a judgment in favor of the owner of the land against the petitioners, for the amount of the assessment made by the committee, and execution may be issued therefor accordingly. *Provided*, that said land shall not be used or inclosed by the school district for any purpose whatever, until the amount of said judgment shall be paid to the party to whom it is due, or deposited for his use with the treasurer of the county.

§ 4. The school district preferring the petition aforesaid, shall pay the committee for making said assessment a reasonable compensation for their services, which shall be taxed by the court to which their report is made.

CHAPTER IV.

OF TEACHERS.

SEC. 49. No teacher shall be employed in any school supported by any portion of the public money, until he has received a certificate of examination and approbation signed by a majority of the board of visitors, or by all the committee by them appointed,

Teachers must have a certificate of approbation, &c.

nor shall any teacher be entitled to draw any portion of his wages so far as the same is paid out of any public money appropriated by law to schools, unless he can produce such certificate, dated previous to the opening of his school; provided, that no new certificate shall be necessary, when the teacher is continued in the same school more than one term, unless the visitors shall require it.

Duty of teachers to keep a register and to make an abstract.

SEC. 50. It shall be the duty of every teacher in any common district school, to enter in a book or a register, to be provided by the clerk at the expense of the district, the names of all the scholars attending school, their ages, the date when they commenced, the length of time they continued, and their daily attendance, together with the day of the month on which such school was visited by the school visitors of the society, or committee by them appointed; which book, or register, shall be open at all times to the inspection of all persons interested, and be delivered over by the teacher, at the close of the term, to the district clerk, together with a certified abstract, showing the whole number of pupils enrolled, the number of males and females, and the average daily attendance.¹

CHAPTER V.

OF STATE APPROPRIATIONS, TAXATION, AND EXPENSES.

Income of school fund, how divided.

SEC. 51. The income of the school fund, after deducting all expenses attending its management, shall be divided by the comptroller of public accounts, with the advice of the commissioner of the school fund, and distributed among the several school

¹ In an action to recover for services in school-teaching against one of the trustees of a school district in the state of New York, held—that such a trustee, who derives his official character from the general law and the election of the people of a particular district, is a public officer. *Ogden v. Raymond*, 22 C. R., 379. That as such public officer, he cannot be held personally liable, unless, in making a contract in behalf of the district, he is guilty of fraud, or expressly contracts on his own responsibility. *Ib.*

societies, in proportion to the number of persons between four and sixteen years of age, as ascertained by the school committee of such society, in conformity with the provisions of this act.

§ 1. It shall be the duty of the comptroller of public accounts and the commissioner of the school fund, before proceeding to the distribution of the income of the school fund *pro rata* among the several school societies, pursuant to the fifty-first section of the said act, to ascertain what school districts, and in what societies, are entitled by virtue of the fifty-ninth section of said act, to the sum of thirty-five dollars, notwithstanding the number of scholars in such district are not sufficient to entitle them to that sum, upon a *pro rata* distribution, and to distribute to the societies in which such districts are situated, for the benefit of such districts, the sum of thirty-five dollars for every such district.

1852.
Distribution of
school money
to be made
first to districts
entitled to
thirty-five
dollars.

§ 2. The balance of said income, shall be distributed according to the provisions of said fifty-first section, to the several societies in proportion to the number of persons in each, as therein provided, deducting from the number in any such society, the number contained in any district, to which there shall have been first appropriated, the sum of thirty-five dollars as aforesaid.

Balance how
distributed.

§ 3. So much of said act as is inconsistent herewith, is hereby repealed.

SEC. 52. The district committee shall annually, in the month of August, ascertain the name of every person over four and under sixteen years of age who shall belong to such district on the first Monday of said month, and compose a part of the family of his parents, guardians, or employers, together with the names of such parents, guardians, or employers, and shall make return of the same to the committee of the school society to which such district belongs, on or before the first day of September; provided, that in such return no persons shall be included who are residing in such districts to attend private school, or for other temporary purposes; but such persons shall be enumerated in the district where their parents or guardians reside.¹

Enumeration
to be made in
August, annu-
ally, and who
may be
enumerated.

SEC. 53. In case of the absence or inability of

Clerk may
make enumer-
ation.

¹ See under sec. 57. Act of 1852, § 1.

the district committee to make the enumeration and return above required, it shall be the duty of the clerk of the district to do the same, in the manner, and within the time before described.

When one of society's committee may make enumeration, and compensation for so doing.

SEC. 54. Whenever the committee and clerk of any school district shall omit to return to the committee of the school society, the enumeration of children in their respective districts, within the time prescribed by law, it shall be the duty of one of the committee of such school society to make such enumeration before the tenth day of September following, and to return the same to the committee of such society and for making such enumeration, said committee man shall be entitled to receive five cents for each child so enumerated, to be paid from the next dividend belonging to said district, which may thereafter be received from the town deposit fund.¹

Return, how made, and form of return.

SEC. 55. The return, above required to be made to the committee of the society, shall be subscribed by the person making the same, and sworn to before a magistrate, according to the following form:

I do hereby certify, that I have carefully enumerated, according to law, all persons between the ages of four and sixteen, within the school district, and do find, that on the first Monday of August, A. D. there were residing within said district, and belonging thereto, the number of persons between the ages aforesaid. A. B.

On this day of A. D. personally appeared the above named A. B. and made oath to the truth of the above return by him subscribed, before me. C. D., justice of the peace.²

Committee to examine and correct returns, and to make a certificate, &c.

SEC. 56. The committee of the school society shall examine and correct the returns made to them, so that no person shall be enumerated twice in different districts, or be improperly returned, and shall prepare and transmit to the comptroller of public accounts, on or before the fifteenth day of September, annually, a certificate, in which the number of persons shall be inserted at full length, and which shall be sworn to, according to the following form, to wit:

We, the committee of the school society in

¹ See under sec. 57. Act of 1852, § 2.

² See under sec. 57. Act of 1852, § 3.

the town of _____ do certify, that from the returns made to us under oath, as by law provided, we find that on the first Monday of August, A. D. _____ there were residing within said society, and belonging thereto, the number of _____ persons, between the ages of four and sixteen years; and from the best information we have obtained, we verily believe that said number is correct. _____ School society committee.

On this day of A. D. personally
appeared the above named committee, and made
oath to the truth of the above certificate, by them
subscribed before me. C. D., justice of the peace.

The school society committee shall lodge the returns made to them, with the treasurer of the society.¹ ^{Returns,} ^{where lodged.}

SEC. 57. The comptroller of public accounts, on application of the committee of any school society, shall draw an order on the treasurer for the amount which such school society may be entitled to, of all moneys appropriated by law for the benefit, support and encouragement of common schools, which may be in the treasury on the first days of March and October, annually;² provided, that no order shall be drawn in favor of any society, until the committee of such society shall certify, in writing, under their hands, in the words following, to wit:

We, the committee of the _____ school society, _____ do certify, that the schools in _____ said society have been kept, for at least four months in the year ending the thirtieth day of September, last, by teachers duly examined and approved, and have been visited according to law; and that all the moneys drawn from the public treasury by said society for said year, appropriated to schooling, have been faithfully applied and expended in paying for the services of said teachers, and for no other purpose whatever.

Certificate of
society com-
mittee.

Dated at the day of A. D.
School society committee.

To the comptroller of public accounts.

§ 1. That the enumeration by the district commit- 1862.
Enumeration

1 See under sec. 57. Act of 1852, § 4.

2 See act 1852, p. 38, § 5.

to be made in January, annually.

tee now by law required to be made in the month of August, annually, shall hereafter be made in the month of January, and such enumeration shall be of all persons residing and belonging to the respective districts on the first Monday of January in each year, instead of the first Monday of August.

Time when enumeration shall be made by one of the society's committee.

§ 2. Whenever it shall become necessary for the enumeration of a district to be made by one of the society's committee, as is now provided in the fifty-fourth section of the above act, the same shall be made on or before the tenth day of February instead of the tenth day of September.

Certificate.

§ 3. The certificate now required to be made, returned and sworn to, as provided in the fifty-fifth section of the above act, shall be in like form and substance, substituting the words "first Monday of January, A. D.," for the words "first Monday of August, A. D."

Time when certificate shall be made.

§ 4. The certificate now required to be made and transmitted to the comptroller of public accounts by the society's committee, agreeably to the fifty-sixth section of said act, shall hereafter be made on or before the fifteenth day of February annually, and the form and substance of the same, shall be the same as is now provided, substituting the words "first Monday of January," in lieu of the "first Monday of August."

But one dividend to be made annually.

§ 5. In lieu of the dividends now by law provided to be made in the months of October and March in each year, there shall be but one dividend of the revenue of the school fund in the treasury, on the first day of March in each year, payable on said day in the manner now by law provided.

1853.
Moneys received by school societies from state, to be paid, for teachers, for year ending March 31st.

That all moneys received by the school societies of this state, from the public treasury, in conformity with the fifty-seventh section of the "Act concerning Education," may be applied and expended in paying for the services of teachers, for the year ending on the thirty-first day of March, instead of the thirtieth day of September, in each year.

When schools are not kept according to law, &c.

SEC. 58. Whenever the school in any school district shall not be kept according to law, the committee of the society to which such district belongs, shall in their certificate or certificates to the comptroller for the year following, state such fact and also

the number of children enumerated in such district, and the comptroller, when application is made for the school moneys payable to such society for said year, shall deduct from the whole number of children enumerated in such society, the number contained in such district, and shall draw an order for the benefit of the remaining districts in such society.

SEC. 59. Every school society, in lawful meeting, may authorize the committee of the society to draw an order on the society treasurer in favor of such districts as have kept their schools in all respects according to law, for their proportion of all the public moneys appropriated to the use of schools in the hands of the treasurer, either in proportion to the number of persons between the ages of four and sixteen in such districts, or to the number of persons who shall have attended the common school or schools in said district during the year preceding; provided, that whenever the public money derived from the school fund, will not amount, according to the rule of distribution, to thirty-five dollars for a district in any one year, the school society to which such district belongs, shall grant and allow out of said school money, to such district, so much as will give said district the sum of thirty-five dollars, in case there are not less than twelve children in said district between the ages of four and sixteen years; and provided further, that no school district shall be entitled to any portion of the public money, unless the school in such district has been kept by a teacher or teachers duly qualified, for at least four months in the year, and visited twice during each season of schooling by the visitors of the school society, nor until the district committee shall certify that the public money received by the district for the year previous, has been faithfully applied and expended in paying for the services of such teacher or teachers and for no other purpose whatever.

SEC. 60. In all cases of forfeiture of public money under the two next preceding sections of this act, application shall be made to the superintendent of common schools, who shall examine the facts of each case and according to its equity decide on the right of the applicants to receive the money so forfeited, and the same shall be paid as if no forfeiture had

School money,
how to be distributed.

1846.
School money,
when forfeited,
how recovered.

occurred, on his certificate to the comptroller of public accounts in approbation of such payment.

How forfeited.

SEC. 61. If any money appropriated to the use of schools shall be applied by a school society or a school district to any other purpose, the same shall be forfeited to the state, and it shall be the duty of the comptroller to sue for such money, in behalf of the state, to be applied to the use of schools.

Penalty for fraudulent certificates.

SEC. 62. If any committee shall, at any time, fraudulently make a false certificate, by which money shall be drawn from the treasury of the state, each person so fraudulently making such false certificate shall forfeit the sum of sixty dollars to the state, to be recovered by action of debt on this statute, and it shall be the duty of the comptroller to bring a suit to recover the same.

When expenses exceed public money, parents and guardians to be assessed, &c.

SEC. 63. Whenever the expense of keeping a common school by a teacher or teachers duly qualified, shall exceed the amount of all moneys provided to defray the expenses of such school, the committee may examine, adjust and allow all bills of expense incurred for the support of said school and assess the same upon the parents, guardians and masters of such children as attended the same, according to the number and time sent by each, and whenever such assessment shall be made, the district committee may procure a warrant and deliver the same, with the rate bill containing such assessment, to the collector of taxes for the district, who shall have the same power to levy and collect the same as to levy and collect the taxes laid by the district.

Expenses of repairs to be assessed on the scholars, &c.

SEC. 64. Whenever the contingent expenses of any school district, arising from repairs of school-house, or its appendages, books, costs, damages or any source, shall not exceed the sum of twenty dollars in one year, the same may be included in the aforesaid assessment.

No child excluded on account of inability of parents.

SEC. 65. No child shall be excluded from any common school in the district to which such child belongs, on account of the inability of the parent, guardian or employer of the same, to pay his tax or assessment for any school purposes whatever, and the selectmen, or a majority of the same, of the town in which such child shall reside, shall be a board with power to abate at their discretion, the

taxes or assessment of such person so unable to pay the same or any part thereof, and said selectmen shall draw an order for the amount of such abatement upon the treasurer of the town in which such person resides, in favor of said district.

That it shall be the duty of the selectmen of every town, whenever any taxes or assessment against the parents, guardian or employer of any poor child shall be presented to them for abatement, pursuant to the sixty-fifth section of said act, to examine and determine whether the same should or should not be abated; and nothing in said section shall be construed to authorize the selectmen in any such case to refuse or neglect action thereon.

1852.

Selectmen to abate school taxes of parent, &c., of poor child.

SEC. 66. Whenever a district shall impose a tax, the same shall be levied on all the real estate situated therein, and upon the polls and other rateable estate except real estate situated without the limits of such district, of those persons who are residents therein at the time of laying such tax, and said real estate shall not be taxed by any school district except the one in which the same is situated, and said tax shall be made out and signed by the district committee from the assessment list of the town or towns to which said district belongs, last completed or next to be completed, as said district may direct.¹

District tax, how levied, &c.

SEC. 67. Whenever real estate situated in one district is so assessed and entered in the grand list in common with other estate situated out of said district, that there is no distinct and separate value put by the assessors upon the part lying in said district, then said district wishing to lay a tax as aforesaid, may call on one or more of the assessors for the time being of the town in which such property is situated, to assess, and they shall on such application assess the value of that part of said estate which

When the value of real estate can not be obtained from grand list, how assessment shall be made and lodged with town clerk.

¹ It is not essential to the validity of a vote laying a tax, that the particular object for which it is laid should be specified. *West School District of Canton v. Merrills*, 12 C. R., 437. A vote to raise a tax on the list of a certain year, without specifying any time of payment, is valid, such tax being payable on demand or in a reasonable time. *Bartlett v. Kinsley*, 15 C. R., 327. Various points in relation to the validity of a tax determined in *Sanford v. Dick*, 15 C. R., 447.

The intention of a corporation only known by its recorded acts; therefore the intentions of individuals in voting a tax inadmissible. *Bartlett v. Kinsley*, 15 C. R., 327.

lies in said district, and return the same to the clerk of said town, and notice of such assessment and of the meeting of the assessors and society's committee, hereafter mentioned, shall be given by the district committee in the same way as a notice for school meetings, and at the end of fifteen days after said assessment has been returned as aforesaid, said assessors and society's committee shall meet in such place in said district as said district committee shall designate in his notice aforesaid, and shall have the same power in relation to such list as the board of relief have in relation to lists of towns, and when such list shall be perfected by said assessors and society's committee, the same shall be lodged with the town clerk and said assessment shall be the rule of taxation for said estate by said district for the year ensuing, and said assessors shall be paid by said district a reasonable compensation for their services.¹

1852.

Whereas, doubts have arisen as to the true intent and meaning of the sixty-sixth and sixty-seventh sections of the act concerning education, conferring power upon school districts to impose taxes, in connection with the act for the assessment and collection of taxes, passed May session, 1851,—wherefore, for the purpose of removing said doubts,

Be it enacted by the Senate and House of Representatives in General Assembly convened :

School districts, to have power to levy taxes on all real estate therein, and no deduction to be made for indebtedness of owner.

That the true intent and meaning of said sixty-sixth and sixty-seventh sections, is that school districts have, and shall continue to have the power and authority to levy such taxes as are mentioned in said sixty-sixth section on all the real estate situate therein and that no deduction or abatement shall be made by reason of the indebtedness of the owner or owners of the same, in the amount to be levied upon said real estate.

1852

Whereas, doubts are entertained with regard to the true intent and meaning of the sixty-sixth and sixty-seventh sections of the above entitled act, in

¹ Non-residents may be taxed for all purposes for which school districts are empowered to raise taxes. *Allen v. Gleason*, 4 Day, 376. *Rowe v. Blakeslee*, 11 C. R., 479.

connection with the forty-seventh section of the act concerning the assessment and collection of taxes, passed May session, 1851, now therefore, for the purpose of removing said doubts,

Be it enacted by the Senate and House of Representatives in General Assembly convened :

That all the real estate lying within the limits of a school district, shall be liable to be assessed and taxed for the purposes now by law authorized for school districts, at its fair value, without a right of deduction therefrom, on account of the indebtedness of the owner thereof. Real estate in limits of school district to be taxed, without any deduction for indebtedness of owner.

SEC. 68. Whenever any school society in this state shall impose a tax, the same shall be levied on all the real estate situated therein, and upon the polls, and other rateable estate, except real estate situated without the limits of such school society, of those persons who are resident therein, at the time of laying such tax, and said real estate shall not be taxed by any school society except the one in which the same is situated, and said tax shall be made out and signed by the committee of the society, from the assessment list of the town or towns to which said society belongs, last completed, or next to be completed, as said society may direct; and whenever real estate situated in any society, is so entered and assessed in the grand list, in common with other estate situated out of said society, that there is no distinct and separate value put by the assessors upon the part lying in said society, said society shall proceed in the manner provided for school districts in similar cases, in the next preceding section of this act.^{1 2} 1847. Society tax, how levied.

SEC. 69. The several school societies and school districts in this state may appoint either of the constables of the town or towns in which such school society or district may be situated, to be collector of the taxes of such school society or district, whether such constable belongs to said district or society or not. And it shall be the duty of the constable appointed such collector, on receiving any rate, tax, or assessment bill, from the committee of any such 1846. School societies and districts may appoint constables to collect taxes, &c.

¹ See foot-note under sec. 67.

² Qu. Whether school societies have not the power to raise money by tax for just distribution among several districts. *Bartlett v. Kinsley*, 15 C. R., 327.

school society or district, forthwith to collect the same, and pay the amount of such bill or bills into the treasury of such school society or district, and said constable shall be allowed such fees for collecting the same as are allowed to collectors of state taxes.

TITLE LV.

AN ACT FOR THE ASSESSMENT AND COLLECTION OF TAXES.

CHAPTER I.

Assessment list of the towns, to be the rule of taxation for school societies and districts.

1851.
Town list as corrected to be the list for school society and school district taxes.

1852,
June 29th.
Indebtedness secured on real estate by mortgage, where taxable.

SEC. 38. The assessment list, in each town, as the same shall annually be made and corrected by the assessors and board of relief, according to the provisions of this act, shall be the list on which all county, town, society, school district, and highway taxes shall be laid.¹

§ 47. The assessment list of each town as the same shall annually be made and corrected by the assessors and board of relief, according to the provisions of this act, shall be the list on which all county, town, society, school district and highway taxes shall be laid.²

§ 1. Whenever in the making or perfecting of the tax list of any person, any real estate shall be omitted or abated by reason of any indebtedness secured by mortgage thereon, such indebtedness shall be taxable in the town, society, or district in which such real estate is situated, and there only.³

¹ A town may lay a tax on the list next thereafter to be completed. *Montville v. Houghton*, 7 C. R., 543.
See title x., sec. 66.

² See the act entire, (passed 1851,) in the Statutes, compilation of 1854, under title lv., chap. 1.

³ See page 43, act of 1852, as to indebtedness.

§ 2. The assessors who may omit, or the board of relief who may abate from the list of any person any such real estate, or an equivalent amount, because of such indebtedness, shall add the same to the list of the person to whom it is due, if a resident of the town, society, or school district, as the case may be. But if such creditor be not such resident, such assessors or board of relief shall make a list against such creditor, embracing such indebtedness, and give him notice thereof in writing, under their hands within ten days thereafter; and such person may appear before such assessors or board of relief, within ten days after such notice is given, and show cause why such indebtedness should not be taxed against him. This law to take effect on and after its passage, any law to the contrary notwithstanding.

To be added to the list of creditor, if resident of town, &c.

Proceedings when creditor is not such resident.

That all taxes heretofore laid by any school district formed from two or more districts, for the purpose of paying the debts of such districts or of either of them; and all assessments made by the committee of any such school district, upon the parents, guardians, or masters of children who have attended the common school in either of the districts of which [such] school district was formed, for the purpose of paying that portion of the expense of keeping the several common schools in such districts, during the year ending the thirty-first day of March last, as the public money was inadequate to pay; are hereby declared to be valid. And all such taxes and assessments now remaining unpaid, may be collected in the same manner as is provided for the collection of taxes and assessments for school purposes, by "An Act concerning Education."

1854.

Confirming certain taxes and assessments heretofore laid, for the payment of debts of school districts.

SEC. 52. Whenever any town, or other community authorized by law to raise money by taxation, shall lay a tax, they shall appoint some proper person or persons to be collector or collectors thereof; and the selectmen of towns, and the committee of other communities, shall make out rate-bills for the same, under their hands, containing the proportion which each individual is to pay according to the list made and completed in the mode required by law; and shall apply to some justice of the peace to issue a warrant for collecting such tax, directed to the collector appointed to collect such tax, commanding and em-

Taxes of towns and other communities, how collected.

powering him to collect the same, and such justice of the peace shall issue such warrant.¹

Collectors neglecting to collect and pay, executions may be granted against them.

SEC. 53. The collectors of such taxes shall collect and pay the same within the time limited by the town, or community imposing the same; and if any collector shall neglect so to do, the selectmen of the town or the committee of the community, as the case may be, shall have power to demand any arrearages due from such collector, and, on failure of payment, may apply to a justice of the peace, for an execution against such collector; and such justice of the peace shall grant an execution against the goods, chattels, lands, and body, of such collector, in the same form, and to be proceeded with in the same manner, as executions in civil actions.

When new collectors may be appointed.

SEC. 54. [Provides, that when the collector of a society tax fails to collect and pay over, the society's committee may depute some proper person to collect and complete the same.]

1848.
Abatement of society taxes.

SEC. 56. The committee of any ecclesiastical society, and the committee of any school society, or a majority of such committee, may abate the taxes assessed by their respective societies upon such persons as are poor and indigent, and unable to pay the same.

Power of collectors to command assistance, the same as that of sheriffs.

SEC. 57. Collectors, duly appointed, shall have power to collect the taxes for which a lawful warrant shall be given them; and shall have the same power to command assistance in the execution of their office, as sheriffs and constables in the execution of their office; and if any person shall neglect or refuse to render such assistance to a collector, when legally required, he shall be liable to the same penalty as persons who neglect or refuse to assist sheriffs; provided, that such collector shall show and read his warrant to the person whose assistance is commanded.

Same power in any other town.

SEC. 58. Constables chosen to collect the state taxes, and all other collectors of taxes, shall have the

¹ If the selectmen make out a rate-bill on an illegal or void assessment, and cause a warrant to be affixed thereto, they are liable in trespass, to those whose property is taken on such warrant. *Thames Manufacturing Co. v. Lathrop*, 7 C. R., 550. For appropriate remedy, see *Adam v. Litchfield*, 10 C. R., 127. A warrant unaccompanied by a rate-bill, is a dead letter. *Picket v. Allen*, 10 C. R., 146.

Mistakes in a rate-bill in reference to one person, can not be taken advantage of by another. *Sanford v. Dick*, 15 C. R., 447.

same power in any other town, as in their own, to collect the taxes of any person against whom they have taxes in their rate-bill; and may at any time collect such taxes, although after the expiration of the year for which they are appointed.¹

SEC. 59. The collectors of other taxes [than state or town taxes] shall appoint a time and place for receiving such taxes, and shall give to every person reasonable warning and opportunity to pay the same; and if any person shall fail to pay any tax, the collector may make distress therefor; and in case a distress shall be made, such collector shall distrain goods and chattels, if they can be had, and shall post and sell them in the same manner as is provided by law in case of executions; but if no goods or chattels are tendered or can be found, such collector may levy his warrant on the real estate, or on the body of such person, and commit him to jail, there to remain until he shall pay such taxes and the legal costs, or be discharged in due course of law, and all collectors of taxes, after notice as aforesaid, shall be entitled to the same fees for collecting said taxes and for levying warrants, as sheriffs are by law allowed for collecting or levying executions.²

How collectors shall proceed in collecting taxes, and their fees.

SEC. 60. [Relates to the mode of selling land, levied on for taxes. See Statutes, compilation of 1854, title lv., sect. 60, and sect. 61.]

Mode of selling land for taxes.

SEC. 63. The following form may be used for a warrant for the collection of taxes, to wit:

Form of warrant for collecting taxes.

To A. B., collector of the town (society, or other community, as the case may be,) in the county of greeting:

By authority of the state of Connecticut, you are hereby commanded forthwith to levy and collect of each of the persons named in the annexed list, herewith committed to you, his several proportion of the

¹ A collector may collect his rate-bill after the expiration of the year for which he was appointed, although a clause is inserted in the warrant affixed thereto requiring him to settle with the selectmen within that time, and although another collector has been appointed by the town. *Picket v. Allen*, 10 C. R., 146.

² Personal notice to a tax debtor to pay the tax, as a prerequisite to making distress therefor, is not required; nor a personal demand for personal property to satisfy the tax, before the sale of real estate, if the notices required by law have been given. *Ives v. Lynn*, 7 C. R., 505.

The deed of the officer should be lodged with the town clerk, with all convenient dispatch after the sale. *Id.*

sum total of said list as therein stated ; being a tax or assessment, agreed upon by the inhabitants of said town, (society, or other community, as the case may be,) regularly assembled on the day of

A. D. for (here state the purpose for which the tax was laid.) And you are to pay the sums which you shall so levy and collect, to the treasurer of said town, (or to C. D. the person appointed to receive the same,) on or before the day of A. D.

And if any person shall neglect to make payment of the sum at which he is assessed and set in said list, you are to distrain the goods or chattels of such person and dispose of the same as the law directs, and after satisfying said tax and the charges, you are to return the overplus, if any, to said person, and for want of goods and chattels, on which to make distress, you are to take the body of the person so neglecting and him commit unto the keeper of the jail of said county, within the prison, who is hereby commanded to receive and safely keep him until he shall pay the said sum together with your fees.

Dated at this day of A. D.
A. B., justice of the peace.

AN ACT IN ADDITION TO AN ACT CONCERNING EDUCATION.

1854.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Towns to tax
themselves one
cent on the
dollar for com-
mon schools.

§ 1. That it shall be the duty of each of the towns in this state, annually, on or before the twentieth day of February, to raise by taxation a sum of money equal to one cent on the dollar on their grand list last made and perfected, and cause the same to be paid into the treasury of the several towns respectively for the benefit, support and encouragement of common schools, and the whole amount of money so raised shall be distributed to the several school

[48]

districts within each town, under the direction of the selectmen and town treasurer, or under the direction of the board of education, in case such board shall have been appointed.

§ 2. If any town shall neglect to raise such sum of money in the manner, and within the time limited, in sec. 1, such town shall forfeit and pay to the treasurer of this state, for the use of the state, a sum equal to the amount which it was the duty of such town to raise as aforesaid, to be recovered by said treasurer in an action upon the case under this statute.

Approved June 30, 1854.

TITLE X.

CHAPTER VI.

OF THE SCHOOL FUND.¹

SEC. 70. The commissioner of the school fund shall cause the net amount of interest received yearly on said fund, to be distributed for the benefit of the public or common schools, according to law.²

SEC. 79. The comptroller shall, on application of the committee of any school society, draw an order on the treasurer for the amount legally due such society.

[The rest of this chapter relates to the school fund commissioner and the management of the school fund.]

¹ See state constitution, article viii.

² See title x., chap. v., sect. 51.

TITLE XXXVI.

AN ACT RELATING TO MONEYS RECEIVED FROM THE GOVERNMENT OF THE UNITED STATES.

CHAPTER II.

OF THE TOWN DEPOSIT FUND.¹

Treasurer
authorized to
receive said
fund on the
terms
specified.

SEC. 6. The treasurer of this state shall have authority to receive from the secretary of the treasury of the United States, for deposit with this state, the share or proportion of the public moneys of the United States which this state may be entitled to receive, in pursuance of the act of congress, entitled "an act to regulate the deposits of the public moneys, approved June 23d, 1836." And said treasurer may receive said money on the terms specified in said act of congress, execute certificates of deposit therefor, and pledge the faith of the state for the safe keeping and repayment of the funds, or moneys, which it may receive in conformity with the requirements of the said act.²

On what terms
to be deposited
in the several
towns.

SEC. 7. The money which shall thus be received from the United States, in pursuance of the said act of congress, shall be deposited with the several towns in this state, in proportion to their respective popu-

¹ For the entire act, see statutes, tit. xxxvi., chap. ii.

² Amount actually received from the United States, \$764,670.60.
" " distributed to the towns, . . . 763,661.83.

lations, as ascertained by the last census, or with such towns as shall agree to receive the same on the terms herein after specified, and the treasurer of the state shall deliver the same to the agents of such towns, on receiving receipts therefor, signed by such agents, in the form hereinafter prescribed, which deposit shall be made with, and received by, such towns, on condition that the same shall be used as is hereinafter provided. * * * * *

SEC. 8. [Relates to the manner of apportionment where towns shall be divided.] How apportioned to new towns.

Whenever a school district is composed of parts of different towns, the proportion of interest or income arising from the town deposit fund, to which the part of the district in either of said towns is entitled, may be paid by the treasurer of the said fund, in said town, to the treasurer of said district, for the use of said district. 1840. Payments from town deposit fund to school districts composed of parts of two towns, how made.

SEC. 9. The condition on which any town may be permitted to receive, or shall receive, its proportionable share of the said money, shall be as follows, to wit: first, that such town shall keep and preserve the money as a deposit, and in trust for the state; secondly, that it shall appropriate at least one-half of the entire income or interest thereof annually, for the promotion of education in the common schools in such town, in such manner and proportions as such town may direct, and the remainder for the purpose of defraying the ordinary expenses of such town; thirdly, that it shall make good every deficiency in the amount received, should any loss occur through mismanagement or any other cause; and fourthly, that it shall repay into the state treasury the whole amount of said money received therefrom, or such part thereof as may be required, whenever the same shall be called for in the manner specified in the fifth section of this act. Conditions on which the towns may receive their proportion, one half at least of income to be annually appropriated to common schools.

SEC. 10. The said money, when received by any town, shall constitute a fund therein, to be called the *town deposit fund*, until recalled into the state treasury, and the principal of this fund shall remain permanent, and no part thereof shall ever be used for any purposes other than those designated in this act. When to be repaid. To constitute and be called the town deposit fund.

The interest
how to be ap-
propriated.

SEC. 17. The interest or income arising from the said town deposit fund, shall, in each town, be annually appropriated, not less than one-half thereof, for the promotion of education in the common schools in such town, in such manner and proportions as such town may direct, and the remainder for the purpose of defraying the ordinary expenses of such town, and for no other purpose, except as provided in the next succeeding section.

The legal
voters may
direct the ap-
propriation of
interest, not
appropriated,
for common
schools.

SEC. 18. The legal voters in each town, at an annual town meeting, or at any special town meeting legally warned for that purpose, may decide whether the said remainder of said income, or any part thereof, shall be appropriated, in like manner, for the support of common schools in such town, or whether the same or any part thereof, shall be appropriated for the purpose of defraying the ordinary expenses of such town, or to both of said objects, as may be deemed most beneficial to the interests of such town.

When any
town refuses to
receive its pro-
portion, the
treasurer of the
State shall loan
the same for
the benefit of
such town.

SEC. 19. If any town shall not agree to receive its proportion of said money on the terms specified in this act, the treasurer of the state shall, at the expense of said town, loan the same on note, payable to the state, secured by mortgage of real estate, at least double the amount in value of the loan, the interest of which shall be payable annually at the state treasury; and when collected, shall be paid by said treasurer to the treasurer of such town, to be by such town appropriated in the same manner, and such town shall be liable in the same manner, as if such town had agreed to receive its proportion of the principal; always provided, that the funds aforesaid, which shall be accepted and received by the several towns in this state, shall not be liable to taxation.

The annual in-
terest so paid
to any town, to
be appro-
priated by it
in the same
manner as if
such town had
received the
principal.

The fund not
liable to taxa-
tion.

RESOLUTIONS.

AUTHORIZING THE SUPERINTENDENT OF COMMON SCHOOLS TO PUBLISH CERTAIN REPORTS, &C. PASSED 1850.

Resolved, That the superintendent of common schools is hereby authorized and directed to prepare and publish a series of reports or documents on the topics specified on pages 76, 77, 78 and 79 of his annual report to the general assembly for 1850, in such order and to such extent, and in such manner, as the trustees of the state normal school shall approve; and the comptroller is hereby authorized to draw an order on the treasurer, payable out of the civil list funds, for such publication. *Provided*, that at least three thousand copies of each document published shall be circulated among the teachers and school officers of the state: *and provided further*, that a sum equal to that for which any order shall be drawn by the comptroller shall have been placed at the disposal of the superintendent and applied by him to the same object; *and provided also*, that the aggregate amount of all orders so drawn during the year shall not exceed one thousand dollars.

AUTHORIZING THE SUPERINTENDENT OF COMMON SCHOOLS TO HOLD MEETINGS OF TEACHERS, &C., IN EACH SCHOOL SOCIETY. PASSED 1850.

Resolved, That the superintendent of common schools, in addition to the schools or conventions of teachers now provided for by law, be, and hereby is authorized and directed to hold, or cause to be held, at least one meeting of teachers, school-officers and parents, in each school society, for an address and discussion on topics connected with the organization, administration,

instruction and discipline of our common schools: and the comptroller is hereby authorized to draw an order or orders on the treasurer, payable out of the civil list funds of the state, for such disbursements as the superintendent may make in holding, and procuring persons to assist in holding the above meetings; *provided*, that the amount of such order or orders shall not exceed three dollars for each school society in which such meetings shall be held.

AUTHORIZING THE WARDEN OF STATE PRISON TO SELL
COMMON SCHOOL APPARATUS ON CERTAIN TERMS.
PASSED 1853.

Resolved, That the warden of the state prison be authorized and directed to sell and dispose of the common school apparatus belonging to the state, which has or shall be taken in payment for the labor of the convicts employed in the manufacture of the same, to the several towns and school districts in this state, at a discount below the actual cost to the state, to a town when it shall purchase a full set, or sufficient for each and all of the districts in such town, of fifty per cent., and to a school district of twenty-five per cent.

Provided, That the appropriations to said towns and districts, in common school apparatus, shall not, in any one year, exceed, in the whole, the sum of one thousand dollars, and provided also, that such appropriations shall in no case be made, except out of the surplus earnings of the prison, after making due allowance for all ordinary and extraordinary repairs.

APPROPRIATION FOR STATE NORMAL SCHOOL.
PASSED 1853.

Resolved, That the sum of four thousand dollars per annum, for the term of five years, be and the same is hereby appropriated from the state treasury, for the use and benefit of the state normal school. Said sum, (or so much thereof as is necessary,) to be annually expended by the trustees of said institution in carrying on the operations of the same, together with the teachers' institutes now authorized by law.

Provided, That in no case shall the said trustees expend in the conducting of said school and teachers' institutes, in any one year, a greater sum than four thousand dollars.

APPROPRIATION FOR STATE TEACHERS' ASSOCIATION, AND
TEACHERS' MEETINGS AND CONVENTIONS.
PASSED 1854.

Resolved by this Assembly, That the sum of two hundred and fifty dollars annually, be, and the same hereby is appropriated to the use of the Connecticut state teachers' association, to be drawn by the order of the president of said association on the comptroller, to be paid from the civil list funds of the state. *Provided,* that said association shall furnish one copy of the Common School Journal and Annals of Education, each month, without charge, to the acting school visitor of each school society.

Resolved further, That the superintendent of common schools be authorized to employ suitable teachers and lecturers to assist him in conducting the schools or conventions of teachers, for the purpose of instructing in the best modes of governing and teaching our common schools; and for the purpose of defraying the expenses of such schools or conventions, the superintendent may draw upon the comptroller for a sum not exceeding one hundred dollars for each school or convention, to be paid from the civil list funds of the state.

Resolved, That all acts inconsistent with the foregoing resolutions be, and the same are hereby repealed.

INDEX.

A.

Abatement, See Assessments.

Apparatus for common schools, see Resolutions.

Apportionment of town deposit fund, to towns, - - - - - 50

to new towns, - - - - - 51

Appropriations, by State, to schools - - - - - 34-39, 48-52

by General Assembly to State Normal School.

teachers' conventions.

school districts.

See Resolutions.

Assessments, abated by selectmen, when against poor children, for schooling, 40

selectmen, duty of, to abate, by act 1852, - - - - - 41

town list, the list for taxes in school societies and districts;

act 1851, - - - - - 44

confirming act 1854 - - - - - 45

for schooling, when made, and upon whom, - - - - - 40

for repairs, - - - - - 40

how to be collected, - - - - - 40

B.

Boundary lines, of school societies, how defined, - - - - - 20

of school districts, how defined, - - - - - 23

C.

Certificate, of enumeration by district committee, - - - - - 38

society's committee, - - - - - 38

by society's committee on applying to comptroller for public

money, - - - - - 37

when false, committee liable to a forfeiture, - - - - - 40

of the instructor of a school, evidence that a child has

received instruction, - - - - - 7

Children, under fourteen years, not to be employed in manufacturing

more than ten hours a day, - - - - - 8

under fifteen years, not to labor in any manufacturing, &c.,

without having attended school, - - - - - 7

when neglected by their parents, may be bound out by

selectmen to be properly educated, &c., - - - - - 6

<i>Children</i> , when stubborn and disobedient to parents, may be punished, on complaint, - - - - -	6, 7
when confined for stubbornness, may be released on reformation, - - - - -	7
not to be excluded from school on account of inability to pay, 40	
assessment of such to be abated by selectmen, act 1852, 41	
between four and sixteen, in each school district, to be enumerated. See <i>Enumeration</i> .	
<i>Cities</i> , power given to, to consolidate school districts. See <i>Consolidated School Districts</i> .	
<i>Clerk</i> , of school society. See <i>School Societies</i> .	
of school district. See <i>School Districts</i> .	
<i>Collectors</i> , of school societies, their duties and powers, - - - - -	17
liability of, the same as that of town collectors, - - - - -	17
of school districts may be required to give bonds, - - - - -	25
powers and duties same as that of collectors of societies, - - - - -	25
of school societies and districts, constables may be appointed, 43	
fees of, - - - - -	44
appointed to collect taxes, to receive rate-bill and warrant, 45	
form of warrant, - - - - -	47, 48
to appoint time and place for receiving taxes, - - - - -	47
power of, to collect and command assistance, &c., - - - - -	46
in other towns, - - - - -	46
after the expiration of the year, - - - - -	47
may distrain for taxes, and how, - - - - -	47
may sell land for taxes, how, - - - - -	47
fees of, for levying warrant, - - - - -	47
neglecting to collect and pay, executions may be granted against them, - - - - -	46
when new, may be appointed, - - - - -	46
<i>Commissioner of the School Fund</i> , to distribute the interest of the fund for the benefit of common schools, - - - - -	49
no longer to be superintendent of common schools, - - - - -	12
<i>Committee of School Society</i> , power and duties of - - - - -	16
to call meetings of, annual and special, - - - - -	13
officers neglecting to act, liable to a forfeit, - - - - -	16
may fill vacancies in offices of school districts when, - - - - -	24
may abate taxes when, - - - - -	46
may fix the site of a new school-house when, - - - - -	25
to correct the returns from districts, of children enumerated, 36	
to lodge the same with the treasurer of the society, - - - - -	37
to make returns to comptroller of children enumerated in the society, and transmit certificate, - - - - -	17, 36
time when, and form of certificate, act 1852, § 4, - - - - -	38
to draw orders on society treasurer, - - - - -	17
to draw orders on comptroller for public money, - - - - -	17, 37
form of accompanying certificate, - - - - -	37
to state to comptroller when schools are not kept according to law, - - - - -	38, 39
time of dividend by act 1852, § 5, - - - - -	38
<i>Committee of School District</i> , their power and duties, - - - - -	24
not to exceed three, chosen annually, - - - - -	24
of school society and district, to make out rate-bills for taxes and apply for warrant, - - - - -	45

<i>Comptroller</i> , to draw orders for public money on application of committee of school society	49
to sue for public school money when forfeited,	40
<i>Confirming</i> taxes in certain cases, act 1854,	45
<i>Consolidated School Districts</i> , act 1854,	26-32
assessment in, for schooling, when and how made,	31
assessment, list in, how perfected,	32
"board of education" to superintend the schools of,	27
to be elected for three years,	27
tenure of office,	27
to be the committee of the district,	27
powers and duties of,	27-29
to appoint annually a committee to examine teachers and visit schools,	28
to give to teachers certificates of qualification,	28
when to annul the same,	28
number of scholars to determine,	28
regulations of each school to determine,	28
scholars incorrigibly bad, to expel,	28
expense of schools to be ascertained by,	28
to apply to comptroller for school money,	31
to make returns to comptroller, &c.,	30, 31
report to district and superintendent,	29
compensation of,	29
certificates, to teachers,	28
to comptroller, and form of,	31
cities, may consolidate when,	26
clerk of, his powers and duties,	30
collector of, his office, powers and duties, and to give bonds,	30
committee of, office, powers and duties,	27-29
enumeration of scholars made and returned by "the board,"	30, 31
meetings for the purpose of forming, how warned and held,	16
annual and special when,	29
how warned and held,	29
name of, when formed,	26
officers of, chosen at the annual meeting,	29
powers of, when formed,	26, 27
property of, how regulated,	21
schools in, how superintended,	27
scholars in, when they may be expelled,	28
school societies of, how formed anew,	27
site of, how established anew,	30
statute, to what provisions of, subject,	32
taxes in, how laid,	32
teachers of, how examined and certified,	28
towns, may consolidate when,	26
treasurer of, his office, powers and duties, and to give bonds,	30
vacancies in offices, how filled,	30
visitors of schools, who to be and how to visit,	28
compensation of,	29
vote in, who entitled to,	29
<i>Constables</i> , may be appointed collectors of society or district taxes,	43
fees of,	44
<i>Conventions</i> , of teachers held annually in each county by superintendent,	11
See <i>Resolutions</i> .	

D.

Districts. See *School Districts.*

dividend. See *Property.*

Distress, may be made for taxes, - - - - - 47

how made, - - - - - 47

Dividend, to schools from school fund, payable March 1st, Act 1852, § 5, - 38

E.

Education and government of Children, - - - - - 6-8

Enumeration of children in school districts, - - - - - 36, 37

time for making, January 1st, act 1852, § 1, - - - - - 37, 38

made by district committee, - - - - - 35

when clerk of district may make, - - - - - 35, 36

when one of society's committee may make, - - - - - 36

time of, act 1852, § 2, - - - - - 38

compensation therefor, - - - - - 36

return, how made, and form of, - - - - - 36

form of, by act 1852, § 3, - - - - - 38

Expense, of common schools, when exceeding the amount of public

money, how paid, - - - - - 40

of repairs, to what extent included in assessment, - - - - - 40

F.

Forfeitures. See *school money*, and *officers of school societies and districts*,
and *towns*, under *taxes*.

Fund. See *School Fund.*

See *Town Deposit Fund.*

G.

Grade. See *Schools of a higher grade.*

L.

Library, may be provided by school society, - - - - - 19

by school district, - - - - - 23

List, town list to be the list for school society and district taxes, 1851, - - 44

M.

Maps, districts may purchase, - - - - - 23

Meetings, of school societies. See *School Societies.*

of school districts. See *School Districts.*

Model Primary School, to be established by trustees of State Normal School, 10

Money. See *School Money.*

N.

Normal School, act, establishing, - - - - - 8-10

applicants for admission to, - - - - - 9

to make declaration of intentions, - - - - - 10

appropriation for the support of, - - - - - 10, 54

<i>Normal School</i> , certificate of school visitors given to applicants, - - -	9
model school to be established by trustees of, - - -	10
object in establishing the, - - -	8
principal of, to be <i>ex officio</i> superintendent of common schools, -	11
pupils of, number of, and how selected, - - -	9, 10
vacancies in, filled by trustees, - - -	10
trustees of, how appointed, - - -	9
term of office of, - - -	9
vacancies in, how filled, - - -	9
duties of, - - -	9, 10
expenses of, how paid, - - -	9
no compensation allowed for services, - - -	9
to report annually to Legislature, - - -	9
tuition of, to be gratuitous, - - -	10
visitors of schools, to certify applicants, to Superintendent of Common Schools, - - -	9
to recommend them to trustees of, - - -	10

Notice. See Meetings.

P.

<i>Parents</i> , to have their children instructed in what studies, - - -	6
neglecting to do so, liable to have them taken from them by selectmen, - - -	6
may complain of their stubborn children, - - -	7
<i>Penalty</i> , for employing children, under fourteen years in factories more than ten hours a day, - - -	8
for employing them in factories, &c., under fifteen years of age, -	7
against officers of school districts for not serving, - - -	24
<i>Poor Children. See Children.</i>	
<i>Principal</i> , of State Normal School to be, <i>ex officio</i> , Superintendent of common schools, - - -	11
<i>Property</i> , of district formed from two societies, where to be taxed, - -	21
of consolidated districts, owned by the new district, - - -	21
of divided districts, how distributed, - - -	21
in case of disagreement, committee to distribute, - - -	21
when not distributed, how disposed of, - - -	21

R.

<i>Real Estate</i> , mortgaged, when abated, and indebtedness where taxable, 1852, -	44
to be added to list of creditor, when and how, 1852, -	45
<i>Resolutions</i> , authorizing the Superintendent of common schools to publish certain reports, &c., passed 1850, - - -	53
to be approved by trustees of State Normal School, - - -	53
expense of, how paid, - - -	53
aggregate not to exceed \$1,000, - - -	53
an equal sum to be otherwise raised, - - -	53
three thousand copies to be circulated among school teachers, and school officers, - - -	53
authorizing the Superintendent of common schools to hold meetings of teachers, &c., in each school society, passed 1850, - - -	53, 54
expense of, how paid, - - -	54
not to exceed \$3 for each society, - - -	54

<i>Resolutions, authorizing Warden of State Prison, to sell common school apparatus on certain terms, passed 1853,</i>	54
if taken by a town for each school district, at a discount of fifty per cent.,	54
if taken by a district only, at a discount of twenty-five per cent.,	54
aggregate not to exceed in any one year \$1,000,	54
and taken out of the surplus earnings of the prison,	54
granting appropriation to State Normal School passed 1853,	54
\$1,000 per annum for five years for Normal School and Teachers' Institutes,	54
granting appropriation to State Teachers' Association, and Teachers' Meetings and Conventions, passed 1854,	55
\$250 annually to Teachers' Association,	55
how paid and on what conditions,	55
Superintendent of Common Schools to employ teachers and lecturers in conducting such Conventions,	55
\$100 to be paid for each Convention,	55
<i>Revenue, for the support of schools,</i>	48-52
from town tax,	48
from school fund,	49
from town deposit fund,	50

S.

<i>Schools, expense of, when exceeding public money, how defrayed,</i>	40
tax by towns for the support of, act 1854,	48
how distributed to,	48, 49
forfeit for neglect,	49
no child excluded from. See <i>Poor Children.</i>	
of a higher grade, when under the Board of Visitors,	19
what proportion of public money to receive,	19
<i>School Societies, constituted how,</i>	12
boundary lines, may be settled by a committee of,	20
clerk of, to be sworn, and his duties,	16
where not sworn, doings of, confirmed by act 1854,	16
to call meetings, when,	13
collector of. See <i>Collectors.</i>	
committee of. See <i>Committee of School Society.</i>	
confirming acts of 1852, 1853, 1854,	14, 16
districts, may be formed or altered by,	20
if incorporated by General Assembly, when,	20
meetings of, annual and special, when held and how called,	13
called by committee when,	13
by clerk when,	13
notice of, how, when and where given,	13
warning of, time of,	13
may designate place of holding,	13
to specify objects of,	13
copy of to be left with the clerk, 1851,	14
confirmed by acts of 1852, 1853, 1854,	14, 16
officers of, and their tenure of office,	15
forfeit for neglect of duty,	16
vacancies in, how filled,	15

<i>School Societies</i> , penalty for illegal voting in, act 1853, - - - -	15
who shall prosecute therefor, - - - -	15
powers of, - - - -	12
public money to be distributed by, - - - -	39
when, by act of 1852, § 1, - - - -	35
conditions of distribution, - - - -	39
taxes in, how levied, - - - -	43
on real estate in, how levied, - - - -	43
time and place for annual meetings by, act 1851, - - - -	14
vote in, who entitled to, - - - -	15
forfeiture for illegal voting in, act 1853, - - - -	15
<i>School Districts</i> , constituted how, - - - -	20
excepting when less than forty children, - - - -	20
altered by society, not to be, if incorporated by special act of	
General Assembly, unless when, - - - -	20
belong where, if formed of two or more societies, - - - -	20
if lying in two or more towns, 1854, - - - -	20
property of, taxed where, - - - -	21
boundary lines of, how defined, - - - -	23
clerk of, to be annually chosen and sworn, - - - -	24
doings of, heretofore, confirmed by act of 1854, - - - -	16
powers and duties of, - - - -	25
collector of. See <i>Collectors</i> .	
committee of. See <i>Committee of School District</i> .	
enumeration of children of. See <i>Enumeration</i> .	
land for a new site, may take how, act 1854, - - - -	32, 33
limits of, must be recorded, - - - -	23
meetings of, annual and special, how ^{when} and held, - - - -	22
time of notice and by whom given, - - - -	22
warning to specify objects of, act 1849, - - - -	13
copy of warning to be left with clerk, act 1851, - - - -	14
where to be held, - - - -	22
may designate in warning the place of, act 1854, - - - -	13
doings of, confirmed by acts 1852, 1853, 1854, - - - -	14, 16
name of, to be recorded, - - - -	23
officers of, chosen annually, - - - -	24
penalty for not serving, - - - -	24
vacancies in, how filled, - - - -	24
powers and liabilities of, - - - -	23
property of consolidated and divided districts, how distributed, - - - -	21
if not distributed, how disposed of, - - - -	21
scholars in, where no school is kept, how provided for, - - - -	25
site of school-house in, fixed by two-thirds vote, or by commit-	
tee of society, - - - -	25
may take land for the, how, act 1854, - - - -	32, 33
if district and owner of land can not agree, to pe-	
tition superior court, - - - -	32
court to appoint committee, - - - -	32
if report of committee be rejected, court may appoint	
another, - - - -	33
if report be accepted, to have the effect of a judg-	
ment for the assessment against the petitioners, 33	
land not to be used until judgment is paid, - - - -	33
district to pay for services of the committee, - - - -	33
taxes in, how levied, - - - -	41
on real estate in, - - - -	41-43

<i>School Districts</i> , when lying in two or more societies,	21
teachers of,	33, 34
treasurer of, may require bonds of,	25
union districts, how regulated,	21
vote in, who entitled to,	23
<i>School Fund</i> , to be a perpetual fund,	5
interest of, appropriated to common schools,	5
income of, how divided and distributed,	34, 35, 49
how distributed by act of 1852,	35
comptroller to draw orders on application of society's committee,	49
dividend of, act 1852, § 5,	38
<i>School Money</i> , how distributed by school societies,	39
by act of 1852, § 1,	35
conditions of distribution,	39
when forfeited, and how recovered,	38, 39, 40
how appropriated when no school is kept in a school district,	25, 26
<i>School Visitors</i> , to forward names and certify applicants to Normal school,	9
to recommend them to trustees,	10
to see that the law is observed as to children employed in factories, and to report violations,	7
who to prosecute for same,	8
See <i>Visitors</i> .	
<i>Selectmen</i> , when to bind out children to be educated, &c.,	6
to abate assessments against poor children, act 1852,	41
and town treasurer to distribute to districts school moneys raised by town tax,	49
<i>State Normal School</i> . See <i>Normal School</i> .	
<i>Superintendent of Common Schools</i> , principal of the Normal School to be, <i>ex officio</i> , the,	11
to be <i>ex officio</i> member of the board of trustees of the Normal School,	9
duties of,	11*
to report to general assembly,	11
to hold teachers' conventions, when and where,	11
with an assistant,	11
compensation and expenses of, and how paid,	12
to notify societies and teachers of such conventions,	12
See <i>Resolutions</i> .	
to determine as to school societies in cases of consolidated districts,	27
<i>Surplus Revenue</i> , from government of United States. See <i>Town Deposit Fund</i> .	

T.

<i>Taxes</i> ,	41-49
abated by society's committee, when,	46
collected how,	45
collectors of, their powers,	46
power of, in other towns,	46
after the expiration of the year,	47
neglecting their duty, executions may be granted against them,	46
may be appointed anew by society's com., when,	46
to appoint time and place for receiving taxes and to give reasonable warning,	47

<i>Taxes</i> , collectors may distrain therefor, and how,	47
fees of, for levying warrants,	47
constables may be appointed, and their fees,	43, 44
confirming act in certain cases, 1854,	45
districts in, how levied,	41-43
indebtedness secured by mortgage, where liable to, 1852,	44
to be added to list of creditor, when and how,	45
land may be sold for, how,	47
list of town, the list for, in societies and districts, 1851,	44
property in districts formed from two or more societies,	
where liable to,	21
societies in, how levied,	43
town deposit fund not liable to,	52
towns liable to, for the support of schools, act 1854,	48, 49
distributed to the districts how, and by whom,	49
forfeit of, for neglect,	49
warrant for, form of,	47, 48
<i>Teachers</i> , of school districts, must have certificate of approbation from	
visitors or committee,	33
wages of, not to be drawn without certificate,	34
new certificate not necessary, unless when,	34
services of, may be paid for, out of public money for year	
ending March 31st, act 1853,	38
must keep a register of scholars, and date when visited,	34
register with abstract to be deposited with clerk,	34
<i>Teacher's Conventions.</i> See <i>Resolutions.</i>	
<i>Towns</i> , power given to, to consolidate school districts.	
See <i>Consolidated School Districts.</i>	
to tax themselves for the support of schools.	
See <i>Taxes.</i>	
<i>Town Deposit Fund</i> , how received and on what terms,	50-52
apportionment of, to the several towns, how and on what	
terms,	50, 51
to new towns, how,	51
income of, how disposed of,	51, 52
one-half at least to common schools,	52
how paid to districts composed of parts of two towns,	51
name of, to be <i>town deposit fund</i> ,	51
principal of, to remain permanent,	51
taxation, not liable to,	52
towns refusing to receive their proportion of, the state	
treasurer to loan it for their benefit,	52
interest of which, how and on what terms paid,	52
<i>Treasurer</i> , of school society, when chosen, &c.,	15
to give bonds when,	17
duties of,	17
of school district, when chosen, &c.,	24
to give bonds when,	25
duties of,	25
<i>Trustees</i> , of State Normal School. See <i>Normal School.</i>	

U.

Union Districts. See *School Districts.*

V.

Vacancies. See *Societies and Districts*, under *officers*.

<i>Visitors</i> , the board of, to prescribe rules, books, discipline, &c., in the schools of the society,	17
to examine teachers,	18
to give them certificates when,	18
to annul their certificates when,	18
to visit the schools twice within four weeks of their opening and closing,	18
to examine register, &c,	18
to make annual report,	18
may appoint a sub-committee,	18
schools of a higher grade, to be under, when,	19
acting school visitors, how appointed, 1845,	18
their duties,	18
to make report to superintendent,	19
abstract of report to be read at annual meeting,	19
compensation of, how and on what conditions paid,	19
See <i>School Visitors</i> .	
<i>Vote</i> , who entitled to vote in society meetings,	15
in district meetings,	23
penalty for illegal voting in either, acts 1849, 1853,	15
who shall prosecute therefor,	15

W.

Warden of State Prison, to furnish common school apparatus.

See *Resolutions*.

Warning, of School meetings.

See *School Societies and School Districts*.

EDUCATION IN NEW YORK.

[From Gov. Clark's Message.]

AMONG the subjects which will require your attention, there is none of more importance than the system of public education of the State. The magnitude of this interest has always been felt and appreciated by the people, and the State has shown from the earliest period of its existence, an earnest desire to provide the means for the adequate instruction of all the children within its limits. For a long time the system pursued was based on the assumption that education was mainly a matter of personal interest, and that the duty of providing it devolved exclusively upon parents; the instruction of the children of those whose poverty would not permit them to incur the expense of it themselves, being made to depend upon public charity. The inefficiency of this policy, its failure to accomplish the object aimed at, and especially its direct tendency to create distinctions hostile to the spirit and character of our institutions, led to its abandonment; and a system based upon the principle that the State is even more deeply and permanently interested in the education of its children than their parents, and that the expense of providing it should be borne by the aggregate of the property within its limits, was adopted in its stead. Under the existing law, therefore, the State assumes the charge of public education—committing its direction to local officers and paying the cost of it out of its own treasury. The system is comparatively new, and some practical defects are as yet exhibited in its workings; but they are such as spring chiefly from the failure to give full and complete development to its fundamental principles, and may easily be remedied by judicious legislation. The system itself is believed to be thoroughly rooted in the confidence and favor of the people.

The whole amount of money apportioned by the Superintendent of Public Instruction is \$1,055,000, of which \$800,000 was raised by a general tax, and \$255,000 from the income of the Common School and United States Deposit Funds. The whole amount expended for public schools is \$2,666,609.36, of which \$1,929,884.49 was applied to the payment of teachers, and \$47,657.06 for the district libraries. The whole number of district schools reported for the year is 11,798; and the whole number of children in the State of the age required to draw public money, 1,186,709. There have been 877,201 in attendance upon the district schools; in academies

under the supervision of the Regents of the University, 37,406; 34,279 in unincorporated private schools, and 4,568 in colored schools. The average number of months during which the schools have been kept in the several districts is eight. The number of volumes in the district libraries is 1,571,270.

These results exhibit a gratifying increase in the number attending the district schools over the previous year. But it will still be seen that of the whole number of children of suitable age in the State there are 309,508, or nearly one-fourth of the whole number, who do not attend the district schools and 233,255, or about 20 per cent. of the whole number, who do not attend any school. In view of the provision that has been made for the express purpose of securing the education of all, this proportion is much too large; and indicates some defect in the system pursued—because it does not completely attain the object at which it aims. That it does not, may be partly due to the mode of distributing the public funds. By the existing law, two-thirds of the public funds are distributed among the various districts of the State in proportion to the whole number of children of a specified age within their limits, whether they attend the schools or not. If the apportionment of the public money were made to depend upon the number attending school and upon the regularity of their attendance, it would become the interest of the citizens generally to promote the regular attendance of all the children within their limits. An amendment of the law which should give it this direction, would, I believe, tend to secure, more fully, the desired result. The law is defective, also, in that it fails to carry out fully and completely the principle on which it is based. Education in the district schools is not yet entirely free. If the cost of the schools in any district exceeds the amount of money received from the State, the deficiency is made up by a rate-bill, assessed upon those who send their children to school; and those who are unable to pay this assessment are relieved at the public expense, and thus become the recipients of public charity. The worst element of the old system is thus preserved, and the fundamental principle of the new law fails of its application in its most essential point. Education is still regarded as a matter of charity, and not of right; and so long as this continues to be the case, in any degree or to any extent, it will detract from the full measure of usefulness which the system is designed to secure. This evil in the system can be remedied only by making the schools entirely free.

The attention of the Legislature should also be directed to meas-

ures for improving the character of the schools, for increasing their efficiency, and for elevating and extending the instruction which they impart. In a State where every citizen should take an active interest in the administration of public affairs, and may be called upon to perform the highest duties of public life, it is important that popular education be carried to the highest point which the means of the State will allow. It has been objected to the system of free schools that people do not prize that which costs them nothing, and that relieving individuals from the expense of educating their children will diminish their interest in the subject and lead them to relax the vigilance which is essential to the highest excellence in the public schools. There is undoubtedly some force in the suggestion, though experience shows that it is much less than is sometimes supposed. But whether it be more or less, it is entitled to consideration, and provision should be made for obviating the objection in any system of education which the State may adopt. An obvious mode of doing this is by means of an active and intelligent supervision, by which the schools shall be regularly visited and their discipline examined by competent officers selected for that purpose. Various attempts have been made to supply this, but none of them have hitherto proved entirely successful. The agency provided by the present law is that of town superintendents; but it is found more expensive, and less efficient than is desirable, and gives rise to local dissensions, injurious to the successful working of the general system. Similar objections led to the abandonment of the system of county superintendents, a few years since. Unless the principle of visitation can be more effectually reconciled with public sentiment, and made more economical and effective than it has been hitherto, the end which it is designed to secure must be sought by other means.

The connection of our common schools with the higher institutions of learning—with academies and colleges—making them all, in fact, parts of one great system,—could not fail to contribute essentially to their elevation, and bring the means of a thorough and complete education within the reach of all. In the city of New York, where the free school system of the State, has been, perhaps, more completely developed than in any other section, the benefits of substantially such a union are very conspicuous. A free academy has been added to the system, in which a large and competent corps of professors and tutors has been provided; a plan of study extending over five years, and embracing all the branches of study pursued in the best colleges in the country, has been adopted; scientific appara-

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tus, libraries, and all the aids requisite for study have been furnished, and the general discipline and course of instruction have been made, in all respects, of the highest and most efficient character. Pupils who shall have attended any of the district schools for eighteen months—maintained throughout a good standing and character, and passed a satisfactory examination in certain specified studies, are admitted to the academy and entitled to the full enjoyment of its advantages, free of all expense. The academy has been in operation only three or four years, and the average number of its students is over four hundred. The attendance shows that its benefits are fully appreciated. But besides the thorough and most useful instruction conferred upon so large a number of the children and youth of the community, its most marked advantages are seen in the influence which it exerts upon the common schools—stimulating their teachers, trustees, inspectors and pupils alike to a generous rivalry, increasing their vigilance and industry, and rendering them zealous and emulous in sending the best pupils to the academy, whose facilities for education are the prize for which all may alike contend. While I am aware that large cities afford facilities for such a system, which can not be fully enjoyed in the rural districts, I think that something may be done throughout the State in this direction. A voluntary beginning, indeed, has already been made in some sections, by the establishment of Union Schools; and their success shows that the system is not wholly impracticable. I think that the time has come when higher purposes and broader views may be entertained in regard to our system of State education; and that our academies may be brought into a more direct and immediate connection with the general plan, and thrown more widely and more freely open to the advantages they are intended to confer. The character of their instruction should be elevated and its range extended; and they should be more completely furnished with apparatus and the means of imparting knowledge in those sciences which are of the most service in practical life. By making free admission to the thorough and complete education they would then afford, the reward of excellence in our District Schools, a stimulus would be furnished which could not fail to be felt beneficially upon their discipline and character. It would be highly desirable to bring the colleges of the State into harmonious connection with such a plan, so that they might become more directly recognized as members of our general system of State education and as essential to its completeness and perfection.

ATTENDANCE UPON SCHOOL.

REGULAR and punctual attendance upon school are all-important requisites to a successful prosecution of study. Without regularity and punctuality, no pupil need expect proficiency in the studies he may be pursuing, and no parent need be surprised that such is the fact. And though every person will yield assent to these propositions as soon as they are enunciated, the experience of every teacher, or the records of almost any school Register, will evidence that these like many other truths, reach no farther than the tongue. O the carelessness and indifference of parents!

How often has it happened, that the patience of the teacher has been sorely tried, day after day, morning and afternoon, by the dropping in of pupils for an hour or more, disturbing the exercises and distracting the attention of the whole school present, and losing so much of their own time, as to make their own attendance merely nominal. Most of this tardiness is entirely unnecessary, the pupil being permitted to loiter around home after school hours, or visit places of public resort, taverns, stores and shops. And if not permitted to loiter, they are detained to work. Some of the trades which can avail themselves of the labor of boys and girls, are inflicting upon them and upon society a lasting injury. What if the children can be made to earn a few pennies, by filching from them the time which should be sacredly devoted to fitting them for life and its duties! The money thus gained pays but a poor interest. The child who attends school in this manner, can not be expected to have "a hungering and a thirsting" after the treasures of knowledge. He has no interest in the duties of the school—he is ever in the background—in fact he becomes a mere cipher, much like the cipher we use in mathematics, useful only to give an increased value to the other digits. These results follow, whether the child be detained at work or suffered to play. If the last, superadded, his manners will be coarse, his conduct abandoned, his soul marred and scarred, till it shall bear no resemblance to itself in its original, unblemished state. The course of such a one constantly tends downward, with a velocity directly proportioned to the square of the time his career may continue. Habit fastens upon him her iron chains, which will tighten as they are worn, till all attempts to sunder them will be impotent and vain.

Let me commend to parents and teachers an attentive consideration of these evils, which weigh so heavily and grievously against

the prosperity of our schools, and against the moral and intellectual advancement of our children. The stake which we hold in our hands, is of such vast magnitude, that all, parents, teachers and visitors, should meet faithfully the responsibilities severally devolving upon them.

Appended is an abstract of a school, which, in point of interest manifested by parents in its success and prosperity, was above the average. Instead of names, we designate the scholars No. 1, 2, &c.

Nos.	Tardy.	Absent.	Attend.	Nos.	Tardy.	Absent.	Attend.
1	20	8½	74	33	25	7½	63½
2	28	5½	67	24	37	10	59
3	19	15½	37	25	24	9½	32
4	14	2½	69	26	10	29½	29½
5	37	12	67	27	19	6½	76
6	18	7½	61½	28	29	11	55
7	15	13	37	29	2	12½	26
8	15	4½	73	30	13	16	64½
9	13	3	79½	31	13	16	64½
10	28	13	69	32	11	21½	61
11	23	6	65½	33	24	20½	61
12	21	8	58	34	29	8½	57½
13	23	7½	60½	35	25	6	76½
14	31	7	75½	36	13	17½	65
15	16	7	75½	37		*23½	59
16	17	4½	64½	38	15	17½	65
17	15	18½	25	39	15	16	48
18	7	4½	67	40	10	6	56½
19	21	14½	50½	41	9	5	55
20	26	7½	60	42	16	14	55½
21	11	1½	81				
22	21	9½	73	Total,	778	478	2519

I would observe that the tardiness is registered only for the forenoon. If that for the afternoon should be added, the total would be considerably increased. The time lost by absences is about 16 per cent.: if the tardiness and the dismissals at recess in the afternoon be added to the absences, the time lost will be more than 25 per cent.

To conclude this article, already too lengthy, let me suggest to teachers a remedy. Keep an accurate account of the attendance, tardiness, scholarship, and deportment of each scholar, and transmit the same weekly, to be inspected by the parents. I have found this method to answer a good purpose. It not only corrected irregularities in attendance, but also irregularities in conduct. J. F. W.

WEST KILLINGLY, Oct. 16, 1854.

* Sickness.

YALE COLLEGE.

REMARKS OF GOV. SEWARD BEFORE THE ALUMNI.

WHEN I came here this morning, I came with the conviction that it would be unbecoming in me, in view of the fact that I was to address an assembly in the evening, to speak on this occasion; especially as the time might be so much better spent by those who return here as Alumni, to revive together their old recollections. I still adhere to that conviction, and the very flattering reception which you have given me shall not make me depart from it.

I shall merely say what comes uppermost in my mind.

It seems to me that the influence of this Yale College, and this New Haven, and this Connecticut, is ubiquitous. It seems to me that nobody ever does anything, but Yale College is somehow mixed up in it. It seems as if nobody ever knew anything, but his knowledge came from Yale College; as if nobody ever learned anything, but his teacher came from Yale College; as if nobody ever sat in a legislative body, but he sat next somebody from Yale College; as if nobody had ever anything to do with public charities, but he met a graduate of Yale College; as if nobody ever engaged in a law-suit, and had a vexatious adversary to oppose, and conquer him, [pointing to Daniel Lord, Esq.,] but that adversary came from Yale College.

Now I will tell you how it is that these thoughts have occurred to me, and why I entertain these opinions. I have been listening to these graduates, going back in recollection to the olden times, and I have been reflecting on my own past history. I have been remembering the time when I studied geography, and the author was a graduate of Yale College; the time when I entered Union College and studied Algebra—the Algebra by Jeremiah Day, of Yale College. By and by, I came to the conclusion that foreign travel was essential to the completion of an education, and as my guide-book for Western Europe, I used the book of travels by Benjamin Silliman, of Yale College. By some singular caprice in the politics of our country, I was chosen a magistrate in the State where I belong; there I had something to do with the public charities. There was to be an institution for the deaf and dumb. Light was to be poured into minds which seemed to be shut out by nature from knowledge. The man that was first to be consulted was Harvey P. Peet, a graduate of Yale College. There was a fearful pestilence threatening us, and means must be taken to drive it out and keep it out from among

us. The best medical talent in the State of New York must be employed; and we find at the head of that profession, Alexander H. Stevens, M. D., a graduate of Yale College. It became necessary to find out a man of science, to effect the construction of a great aqueduct for the commercial metropolis. He was found in the person of Samuel Stevens, an Alumnus of Yale College.

By and by I came into the Councils of the Federal Union; there I found myself among great men—wise men, and some very *true* men—some men to whom I felt myself drawn irresistibly, and I found they came from Yale College. There was my esteemed friend, Hon. Roger S. Baldwin, of Connecticut. There was (I need not pronounce here a eulogy on either the living or the dead) “Honest John Davis.” I knew he came from Massachusetts, and certainly thought Yale College had nothing to do with him. But in listening to the roll of your dead Alumni for only a single year, I find his name among them. Thus, everywhere, I find Yale College mixed up with everything, and exerting its influence—whether for right or wrong, for good or ill, I leave for you to say.

EDUCATIONAL MOVEMENTS IN NORWICH AND NEW LONDON.

We take great pleasure in copying the following paragraph from the *Norwich Examiner*, a paper which is doing excellent service in our cause. Will not other papers copy it? We say in reference to the improvement of schools, “*Let there be LIGHT.*” Circulate information among the *people*. Organize Town and *District* Associations. Read and discuss.

“The readers of the *Examiner* will have observed notices of a proposition simultaneously made in these sister cities, the object of which is to acquaint the mass of the people with the defects of our present school system, and to point out a more excellent way. This is an effort in the right direction. The very first step in the process of reform, is to enlighten the public mind. We have hitherto contented ourselves too much with interesting a few in the subject of education, and have wondered that the people, for whose special benefit these efforts were made, should prove either indifferent or hostile to them.

“We have found, to our astonishment, that property holders, the

chief tax-payers of the community, are much more ready to pay for good common schools, than the mass of the people are to receive them. The explanation of all this is, that no proper effort has been made to enlighten the community, as to the character and tendency of these measures. Each man is occupied with his own business, and unless such a subject is specially brought to his attention, he will be likely to give little attention to it. Designing demagogues find it easy to operate upon his prejudices. Efforts for the improvement of schools are very easily misrepresented. You seek for good schools, and it will be said that you mean schools for the rich; as if good schools were not as important, and more so, for the poor as for the rich. You ask for graded schools, and you are told that you wish to separate the children of the so-called 'higher classes' in society, from those of the lower. You ask for a system of thorough supervision, and you will be accused of wishing to play the tyrant, to deprive districts of their liberty to manage their own schools, and of ambitious designs generally. Any one can see how an adroit and brazen-faced man can manage to awaken any amount of opposition, in quarters where we should least expect it, by skillfully playing with such cards. Now the remedy is simple and effectual. Let men understand all the facts in the case; appoint meetings for lectures and discussion in all parts of the town—give every man who has a question to ask, an objection to make, or an argument to offer, a chance to be heard. Give the people light, and we may bid defiance to intriguers. A demagogue's occupation in a New England community, is an exceedingly precarious one. His castle may be readily tumbled down about his ears. One-tenth of the labor which secured for us the Maine Law, would give to Norwich and New London the best system of schools in the United States."

I CAN'T TELL A LIE.

SCHOOL PRESENT.

NOTHING could be more appropriate for a "school ornament," than the picture described below. It will be a constant and eloquent teacher of that first and greatest of lessons for the young—a *love of truth*.

"JOHN G. NORTH, Esq., in accordance with a pledge previously given, presented, on Friday afternoon last, a beautiful oil painting to

the Secondary Department of the Webster School. The design of the picture is the commemoration of a well known incident in the life of Washington, which illustrates his love of truth when a boy. The incident was the girdling of a favorite tree in his father's garden, and his confession of the wrong when inquired of, with the remark, "I can not tell a lie." This beautiful story, with its excellent moral, is all told, so far as it can be on canvas, by the painting referred to. Its size is about five feet long by four high. A richly gilt frame surrounds it. Mr. J. P. Stock, of Springfield, is the artist.

"After an appropriate introduction to the subject by one of the School Committee, Mr. North presented the painting, with a brief but excellent address on the importance of forming correct habits in early life, and especially of cultivating a love of truth. The eyes of the little ladies and gentlemen sparkled brilliantly during the remarks and illustrations of the speaker. When he had concluded, the pupils, to the surprise of Mr. North, broke forth into singing the following stanzas, which happened to be in their music book, and which the teacher, Miss Camp, had selected for the occasion :

"When Gen. Washington was young,
About as large as I,
He never would permit his tongue
To tell a wicked lie.

"What!—not correction to escape,
Or shun a father's frown?
And could he bear, when he did wrong
All of the truth to own?

"Yes: once he cut his father's tree,
A fruit-tree nice to view;
And yet he owned it readily—
What did his father do?

"He told his son, it pleased him more
To have him tell the truth,
Than if the tree was bending o'er
With gold and silver fruit."

"The exercises were closed by a hymn, commencing thus :

"In life's early morning,
Rejoicing we drink
At truth's holy fountain:
We'll ne'er leave its brink."

New Haven Palladium.

President Editor's Department.

UNION GRADED PUBLIC SCHOOLS.

THESE schools are sometimes called *Union Schools*, because they are usually made up of the scholars of two or more contiguous districts which have been *united* and consolidated for the purpose of establishing a system of schools better adapted to the educational wants of the community than the district school. They are also styled *Graded Schools*, because the chief peculiarity of their organization, and that in which they most especially differ from the district school, is the gradation of the scholars in the different departments, according to their attainments. They are denominated *Public Schools*, because they are public or common property, and are open to the children of all within their territorial limits.

How far is this system practicable? It is not practicable in a very sparse population. Where there are not more than fifty scholars within the distance of a mile or a mile and a half from any given point, it can not be applied, and districts where the population is so scattered, must resort to other means for providing the common school education demanded at the present day. In the first place, the district school should be made as good as it is capable of becoming, by giving it a suitable school-house, the needed apparatus, and a good permanent teacher. And then a school of a "higher order" should be established and maintained at public expense, at the center of the town or society, in which the more advanced scholars may be assembled, even from the distance of two or three miles.

What is meant by grading a school? This question may be answered by an illustration. Suppose we have three hundred scholars of all ages, to be arranged and classified in a Union Graded School. For the sake of clearness, suppose the school-house contains six rooms each capable of accommodating fifty scholars. We first subject the scholars to an examination, of which we have a record. We now count off the fifty scholars whose names stand at the bottom of the list as having made the least progress in the course of an education, and place them in a room by themselves. This will constitute the lowest department, and may be called the Second Primary. The fifty who stand next above those on the list may be placed in another room and called the First Primary School, and so on till all are dis-

posed of. The upper division will constitute the High School, and might be permitted to study the higher English branches, and the classic languages. The division next below the High School, might be styled the Grammar Department, and be required to understand thoroughly, arithmetic, geography and grammar, and be able to read, write and spell well, and perhaps have a general knowledge of the history of the United States. The divisions between this and the primary might be called the First and Second Intermediate Departments, and attend to the elements of the branches named for the grammar department.

This is in brief, the process of grading a school.

What are the advantages of a graded school?

We can at present give only the most general answer to this question.

1. A better classification than is possible in a district school. In a district school of fifty scholars, it is not uncommon to find twenty-five or thirty classes. It would be necessary for each teacher in the lower departments of the school graded as we have described, to have not more than ten or twelve classes in all the branches taught; and hence,

2. It enables the teacher to expend his labor more economically than in the district school. He can now have large classes, but few in number, and he can teach a class of twenty quite as well as he can a class of five; and therefore,

3. As the teacher has fewer recitations to hear, he can make his instruction thorough, which is quite impossible, when the multiplicity of lessons compels him to limit the time of recitations to ten or fifteen minutes.

4. It secures a great saving of time to scholars, since with such facilities, they can accomplish at twelve, what they could not under the district system, till fifteen.

5. It is cheaper, not absolutely, but in proportion to the advantages it affords.

Union Graded Schools have already been established in most of the cities and principal villages in the state, *viz.*, in New Haven, Hartford, Waterbury, Middletown, Bridgeport, Norwich, New London, Norwalk, Stamford, Collinsville, Bristol, Rockville, New Britain, New Hartford, Mystic, Fair Haven, Derby, Southport, Willimantic, Plymouth, and some other places. Some of these schools are *free*; in others, a tuition fee is required. These schools in most cases,

have been made *good* enough for the best, but in all cases they have not been made *cheap* enough for the poorest. But we are rejoiced that the number of *free* schools is increasing.

CORRESPONDENCE.

DEAR SIR:

Enclosed please find one dollar for my subscription to the Journal for 1855. During the present year I have been much pleased with the practical character of the paper, and acknowledge myself indebted to the *Journal* for many excellent suggestions. You will also find enclosed the proceedings of the *first* anniversary meeting of the *first* Teachers' Association in the "Old Dominion." As the influence of your excellent School Journal is not "*hemmed in by state lines*," perhaps a reference to our efforts, may not be altogether uninteresting to your readers, especially as pertaining to the history of Teachers' Associations. We have put our hand to the plough, and do not intend to look back.

* * * * *

Yours, &c.

N. B. W.

PORTSMOUTH, VA.

We welcome the good tidings from the venerable old "Mother of Presidents."

It is no doubt gratifying to know that our humble efforts extend occasionally, "*beyond the little limits of our own state and neighborhood*," though we are thankful if they produce all the effect desired at home. We most cordially grasp the right hand of fellowship, extended over Mason and Dixon's line. We are a brotherhood engaged in the same great cause. In this enterprise we know no North, no South, no East and no West. The country is the field.

DEAR SIR:

Enclosed please find one dollar in payment for my subscription to the Connecticut Common School Journal, which I have received for nearly a year. I value the Journal highly, as a work for teachers, but it is doubly interesting to me, as I learn from it what my old friends and fellow-teachers are doing at home.

Yours, &c.

R. A. B.

HINCKLEY, Medina Co., Ohio.

At home—that tells the whole story. You love good old Connecticut. It is your *home*. But you have emigrated to the Buckeye State, to find a better field for the practice of your vocation. But have you not made a slight mistake? Connecticut is now on the look-out for her stray sons. She needs their services at *home*, and will pay a very respectable compensation. Not long since, when an attempt was made to induce one of our best teachers to accept a

place in Massachusetts, his district promptly voted to pay him as much as he could get anywhere else. But Ohio is a good school for you. The teachers of that state have *Excelsior* on their banner.

AGENCY OF THE STATE TEACHERS' ASSOCIATION.

MR. SHERWOOD, whose appointment to this office was announced in our last number, is now in the field earnestly engaged in promoting the improvement of our common schools. It will be his aim to deliver lectures in five or six societies each week during the winter. It is a very encouraging fact that in nearly every place where he has lectured, he has been invited to give a second lecture.

A copy of the following circular, with the blanks filled, is sent to the acting School Visitor or some other friend of the cause in the place where it is proposed to deliver a lecture.

NEW BRITAIN, 1855.

DEAR SIR: At the last annual meeting of the State Teachers' Association, it was voted unanimously to establish an agency for the promotion of the objects and interests of the Association.

The Board of Directors were instructed to elect a suitable person, to fill the office, and provide for the superintendence of its operations and affairs, by the appointment of an Executive Committee.

In accordance with these instructions, the Board elected George Sherwood, Esq., as Agent, and the undersigned as an Executive Committee.

Mr. Sherwood has accepted the appointment and entered upon the duties of the office.

He will devote his whole time to the promotion of the interests of the cause of education in this State.

He is directed by the Committee to visit schools, to advise with teachers, to confer with school officers, to aid teachers in procuring situations, and committees in securing competent teachers, to deliver Lectures on Common Schools, so far as he may be able in the different school societies, to circulate the Common School Journal, and to coöperate generally with the friends of the cause, as opportunity may present.

We take pleasure in recommending Mr. Sherwood, as a gentleman every way worthy of your confidence.

By his education, his experience, and his deep interest in the cause of popular education, he is admirably qualified for the discharge of the duties assigned him.

We beg leave to bespeak for him your aid, encouragement and cordial sympathy.

Respectfully, Yours,

HENRY BARNARD.

DAVID N. CAMP, PRES. STATE TEACH ASSO.

JOHN D. PHILBRICK, SUP. OF COM. SCHOOLS.

DEAR SIR: In accordance with the above mentioned plan of operations, I propose to visit your place.

If you will have the kindness to see that proper arrangements are made, and suitable notice given for my Lecture in your school society, you will confer a great favor.

Clergymen, School Visitors, and others interested in the cause of education, are respectfully requested to assist by their remarks and general coöperation, in making our meeting interesting and profitable.

Yours, Truly,

GEORGE SHERWOOD.